



## OHIO BOARD OF NURSING

### MINUTES OF MEETING

#### REGULAR MEETING OF THE BOARD SEPTEMBER 19-20, 2013

The regular meeting of the Ohio Board of Nursing (Board) was held on September 19-20, 2013 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, September 19, 2013 at 8:34 a.m., President Judith Church called the Board meeting to order. On Friday, September 20, 2013 at 8:31 a.m., President Church called the Board meeting to order. Vice-President J. Jane McFee read the Board mission each day and President Church recognized nursing students, welcomed the gallery, and requested that Board Members introduce themselves.

#### **BOARD MEMBERS**

Judith Church, RN, President

J. Jane McFee, LPN, Vice-President

Janet Arwood, LPN

Rhonda Barkheimer, RN, Board Supervising Member for Disciplinary Matters

Nancy Fellows, RN

Lisa Klenke, RN (Arrived at 11:50 a.m. on Thursday)

Maryam Lyon, RN

Susan Morano, RN

Tracy Ruegg, RN

Roberta Stokes, RN

Sheryl Warner, Consumer Member

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

#### **ADMINISTRATIVE MATTERS**

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

On Thursday, the Board Reception was held at 8:00 a.m. and Executive Session was at 10:00 a.m. On Friday, Open Forum was held at 10:00 a.m.

##### **Approval of Minutes of the July 2013 Meeting**

**Action:** It was moved by Janet Arwood, seconded by Sheryl Warner, that the Board approve the minutes from the July 2013 Board meeting as submitted. Motion adopted by majority vote of the Board with Susan Morano abstaining.

### **Executive Director Report**

Betsy Houchen highlighted the following from the Executive Director Report:

- The Board congratulated Executive Director Betsy Houchen for receiving the R. Louise McManus Award, the most prestigious award presented by NCSBN. Criteria for selection include active leadership in NCSBN; substantial contributions to the improvement of nursing regulation; impacting public policy and development to enhance the health and well being of individuals and the community; and making contributions to the mission of NCSBN over a significant period of time.
- The Board congratulated Cindy Gossard for five years of state service, and Lesleigh Robinson for 25 years.
- The Board recognized two of the Board investigators, Melissa Knauss and Amy Sala, and thanked them for their service.
- The Governor's Office of Workforce Transformation (OWT) is organizing the work to implement the Governor's Executive Order 2013-05K, and identified nursing as one of the priority occupations, and the Nursing Board as a priority board. Holly Fischer and Tom Dilling attended a meeting of the priority boards to discuss streamlining the occupational license process for veterans and their spouses. Subsequently, the Board submitted the "Recommendation Template" containing best practices and innovative concepts to prioritize, simplify, and expedite the licensure process. The Board is addressing licensing of veterans by proposing amendments to the administrative rules regarding consideration of military training by nursing education and various types of training programs, expediting the temporary permit process, revising the application form to identify and prioritize veterans and/or spouses, and designing a new web page specifically for military personnel and spouses.
- The Health Policy Institute of Ohio released a new brief titled, "The Health Policy Institute of Ohio's Telehealth Leadership Summit: Key Findings and Considerations." T. Dilling, along with telehealth stakeholders from across the state, participated in the Telehealth Leadership Summit.
- For the 2013 renewal cycle, the Board achieved an online renewal rate of 97% for registered nurses, and 99% for both APRN and CTP renewals. 166,764 RNs completed the workforce data questions.
- Board staff increased OARRS registration of certificate to prescribe (CTP) holders during renewal. In March of 2013 there were 2,736 APRNs with CTPs registered in OARRS. At the end of renewal on August 31, 2013 there are 3,723 registered, a gain of 987. The percentage of registered CTP holders in OARRS increased from 41% to a 56%.
- The National Council of State Boards of Nursing (NCSBN) and the National Forum of State Nursing Workforce Centers published the National Nursing Workforce Survey of Registered Nurses.

### **Legislative Report**

T. Dilling reviewed the Board's participation in the Governor's Cabinet Opiate Action Team (GCOAT) and the Governor's Reforming Prescribing Education

Subcommittee. The Board, along with the boards of Medicine, Pharmacy and Dentistry, developed responsible prescribing guidelines for Ohio's clinicians and prescribers. Subsequently, the Board has been working with professional associations, state agencies and other professional regulatory boards, to develop educational materials for prescribers. The materials are expected to be available in October.

T. Dilling reported that the boards of Nursing, Medicine, and Pharmacy are submitting a letter of support for passage of HB 170, the naloxone bill. The Board is seeking an amendment that would authorize APRNs to personally furnish naloxone.

### **EXECUTIVE SESSION**

On September 19, 2013:

**Action:** It was moved by J. Jane McFee that the Board go into Executive Session to discuss pending or imminent court action with legal counsel, and to discuss the employment, dismissal, discipline, promotion, demotion or compensation of a public employee. Motion adopted by roll call vote. The Board entered Executive Session at 10:00 a.m. and reported out of Executive Session at 10:35 a.m.

### **NEW BUSINESS**

#### **Administrative Rules**

At the July meeting, the Board finalized its review of proposed administrative rules scheduled for five-year review and technical changes to additional rules. H. Fischer reviewed the comments received since the July meeting and presented proposed language regarding the following rules:

#### **Rule 4723-4-03(H)**

At the July meeting, the Board asked to review new language that would prohibit a licensee or certificate holder from accessing information (whether electronically or otherwise) for non-patient care purposes.

H. Fischer reviewed the proposed language to Rule 4723-4-03(H) as distributed: "...The registered nurse shall communicate patient information with other members of the health care team for health care purposes only, shall access patient information only for purposes of patient care, and shall not disseminate patient information for purposes other than patient care through social media, texting, emailing or any other form of communication."

After public distribution of the proposed language, a commentator contacted the Board asking how the proposed language would impact nurse administrators, faculty, nurse researchers, etc., stating that these types of nursing activities may not be considered "patient care;" the commentator requested the Board consider deleting or revising the proposed language.

After discussion, the Board agreed to make a change to address the commentator concerns, to insure that a nurse may access patient information for

purposes in addition to "patient care", so long as the access was for purposes of fulfilling the nurse's assigned job responsibilities. This would address, for example, patient billing, data aggregation or quality improvement. The Board agreed by general consensus to new paragraph (H) as follows:

“A registered nurse shall maintain the confidentiality of patient information. The registered nurse shall communicate patient information with other members of the health care team for health care purposes only, shall access patient information only for the purposes of patient care, or for otherwise fulfilling the nurse’s assigned job responsibilities, and shall not disseminate patient information for purposes other than patient care, or for otherwise fulfilling the nurse’s assigned job responsibilities, through social media, texting, emailing or any other form of communication.”

The language will be mirrored in Rules 4723-4-04(H), Standards relating to competent practice as a licensed practical nurse; 4723-5-12(C)(24), Program policies for students; 4723-23-14(G), Standards for safe dialysis care; 4723-26-10(H), Standards for safe care provided by the community health worker; and 4723-27-02(M), Standards for safe medication administration by a certified medication aide.

**Rule 4723-5-12(A)(3)(a)**

At the July meeting, the Board approved language for pre-license nursing education programs, and dialysis, medication aide, and community health worker training programs, related to credit awarded for a student’s military education, training and service. The rule proposal is in furtherance of Governor Kasich’s Executive Order 2013-05K, which requires boards and commissions that issue occupational licenses or certificates to effect changes “to take into account relevant military education, skills training, and service when determining equivalency” for license and certification purposes.

Currently, education programs are required to have and implement a policy for determining the amount of credit to be granted to an applicant for advanced standing in a program. The proposed rule language would similarly require programs to have and implement a policy for determining the amount of credit to be granted for those with military education, training and service. The initial proposed language would require a process for credit to be awarded for “substantially similar” education and training.

Following the July meeting, the Board received comments from interested parties regarding how the new policy would be implemented. Based on the comments, Board staff developed alternative language for the Board to consider: “The process for determining the amount of credit to be granted to an applicant for advanced standing in a program. For students with experience in the armed forces of the United States, or in the national guard or in a reserve component, the written policy shall specify under what circumstances credit may be awarded for any military education or skills training determined by the program to be

substantially similar to the curriculum established in Chapter 4723-5 of the Administrative Code.”

In addition, Board staff reviewed other documents where credit for military training is addressed. Proposed Am. Sub. H.B. 98, that would revise Section 5903.03, ORC, states that military training be “substantially equivalent to” the educational requirement for a license. After discussion, the Board agreed by general consensus to the following language in new paragraph (A)(3)(a) as follows:

“Determine whether any of the military education or skills training is substantially equivalent to the curriculum established in Chapter 4723-5 of the Administrative Code;

Award credit to the student for any substantially equivalent military education or skills training.”

The Board believes this language accomplishes the goals set forth in the Executive Order, is consistent with the legislative direction, and continues to allow the education or training program to make a determination regarding equivalency of military education, training and experience, and award advanced standing credit if appropriate.

Similar revisions will be made to Rules 4723-23-08(E)(12), Dialysis Training Programs; 4723-26-12(C)(10), Community Health Worker Programs; and 4723-27-07(C)(12), Medication Aide Programs.

#### **Rule 4723-5-12**

A comment was received from the Ohio Council of Deans and Directors of Baccalaureate and Higher Degree Nursing Programs (OCDD) on August 28, 2013, regarding changing references in the Administrative Code from the word “client” to “patient.” OCDD stated: “Of note, in the revised rule is the change of term from ‘client’ to ‘patient’ in various sentences. This change is not in alignment with the role of the nurse in promoting and teaching health and wellness and will reflect poorly on nursing in Ohio. Our rules should reflect the progressive nature of our profession and this change does a disservice to this intent. OCDD would like to request that the Board maintains the current language, using ‘client’ as a term that more fully reflects all recipients of nursing care.”

In 2011, the Board reviewed Chapter 4723-13, and decided by general consensus to update Chapter 4723, OAC, by changing “client” to “patient” as rules chapters were reviewed annually. In 2012, the Board continued to replace “client” with “patient”, in Chapters 4723-3 and 4723-8. This and other rule changes were discussed at the June 27, 2012 interested parties meeting, in the September 2012 CSI filing, and at the public rules hearing. No comments were received in opposition to the change.

In 2013, the Board has proposed to change “client” to “patient” consistent with past direction in Chapters 4723-4, 4723-26, 4723-27, and in Rule 4723-5-12. It appears that OCDD’s comment is directed toward Rule 4723-5-12, which includes student policies. The current changes proposed in Rule 4723-5-12 by the Board include global changes in the policies applicable to student conduct to mirror the changes being proposed in the rules for nurse conduct (Rules 4723-4-03, 4723-4-04, 4723-4-06), the disciplinary actions related to nurses imposed by H.B. 303 (Section 4723.28, ORC), and the Board’s previous direction to implement the change from the term “client” to “patient” throughout the Administrative Code. The Board has not received other comments in opposition to this proposal.

The Board agreed by general consensus to retain the language regarding "patient" rather than changing back to "client." The Board members stated that the term "client" implies a business relationship and the word "patient" better conveys the care relationship; in addition, a patient may be a well person receiving health and wellness education.

H. Fischer stated that Board staff will file the proposed rule language in October with JCARR and the public rules hearing will be held on November 20, 2013 at 1:00 p.m.

#### **Fiscal Year 2013 Annual Report**

B. Houchen reviewed the draft FY 2013 Annual Report. Board members complimented staff on excellent work.

**Action:** It was moved by J. Jane McFee, seconded by Rhonda Barkheimer, that the Board approve the Annual Report for fiscal year 2013 as submitted. Motion adopted by unanimous vote of the Board members.

#### **APPROVALS**

Lisa Klenke was absent, and did not vote on the following Education and Training Program motions:

#### **Nursing Education Programs – New Programs**

Ashtabula County Technical and Career Campus Registered Nurse Program

**Action:** It was moved by Maryam Lyon, seconded by Janet Arwood, that the Board grant Conditional approval, in accordance with Rule 4723-5-08, OAC, to Ashtabula County Technical and Career Campus Registered Nurse Program. It was further moved that the Program submit progress reports to the Board on or before March 20, 2014, June 20, 2014, and September 19, 2014. Motion adopted by unanimous vote of the Board members.

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

Baldwin Wallace University Accelerated Bachelor of Science in Nursing

The Board reviewed the Survey Visit Report and the Program’s response.

Breckinridge School of Nursing and Health Sciences @ITT Technical Institute, Akron

The Board reviewed the Survey Visit Report and the Program's response.

Felbry School of Nursing Registered Nursing Program

**Action:** It was moved by Janet Arwood, seconded by Roberta Stokes, that the Board grant Full approval in accordance with Rule 4723-5-04, OAC, to Felbry School of Registered Nursing Program for a period of five years effective September 19, 2013. It was further moved that the Program submit progress reports to the Board on or before December 19, 2013, March 13, 2014, and June 19, 2014. Motion adopted by unanimous vote of the Board members.

Ohio Institute of Allied Health Practical Nursing Program

**Action:** It was moved by Roberta Stokes, seconded by Nancy Fellows, that the Board grant Full approval in accordance with Rule 4723-5-04, OAC, to Ohio Institute of Allied Health Practical Nursing Program for a period of five years effective September 19, 2013. Motion adopted by unanimous vote of the Board members.

Owens Community College Practical Nurse Program

**Action:** It was moved by Sheryl Warner, seconded by Susan Morano, that the Board grant Full approval in accordance with Rule 4723-5-04, OAC, to Owens Community College Practical Nurse Program for a period of five years effective September 19, 2013. Motion adopted by unanimous vote of the Board members.

Youngstown State University, BSN Program

**Action:** It was moved by Susan Morano, seconded by Tracy Ruegg, that the Board place Youngstown State University, BSN Program on Provisional approval, effective September 19, 2013 and until September 17, 2015, in accordance with Section 4723.06(A)(7), ORC. After fully considering the survey visit report and the response to the report, the Board determined that the Program failed to meet and maintain the requirements established in Rules 4723-5-06(C); 4723-5-09(A)(2)(a); 4723-5-10(A)(5); 4723-5-17(A); 4723-5-19(A); 4723-5-20(B); 4723-5-21(D) and (E), OAC. It was further moved that the Program submit a progress report to the Board on or before November 20, 2013, that includes copies of all executed contracts required by Rule 4723-5-17, OAC, a list showing each clinical agency utilized by the Program for each nursing course, and whether or not preceptors are utilized at the agency to supervise students. In addition, it was moved that the Program submit subsequent progress reports to the Board on or before February 20, 2014; August 13, 2014; February 19, 2015; and July 16, 2015. Motion adopted by unanimous vote of the Board members.

**Nursing Education Program Requests**

Richard Medical Academy

**Action:** It was moved by Nancy Fellows, seconded by Rhonda Barkheimer, that the Board approve, in accordance with Rule 4723-5-08, OAC, the change in the implementation date of Richard Medical Academy to January 6, 2014. It was

further moved that the program submit progress reports on or before May 8, 2014, and October 16, 2014. Motion adopted by unanimous vote of the Board members.

#### South University

**Action:** It was moved Tracy Ruegg, seconded by Janet Arwood, that the Board approve, in accordance with Rule 4723-5-08, OAC, the change in the implementation date of South University to April 2014. It was further moved that the Program submit progress reports on or before July 15, 2014, October 15, 2014, April 15, 2015, and October 15, 2015. Motion adopted by unanimous vote of the Board members.

#### **Training Programs**

##### Miami Valley Career Technology Center Dialysis Technician Training Program

**Action:** It was moved by Rhonda Barkheimer, seconded by Maryam Lyon, that the Board reapprove, in accordance with Rule 4723-23-07, OAC, the Miami Valley Career Technology Center Dialysis Technician Training Program for a period of two years effective September 19, 2013. Motion adopted by unanimous vote of the Board members.

##### Cincinnati State Technical and Community College Community Health Worker Program

**Action:** It was moved by Maryam Lyon, seconded by Roberta Stokes, that the Board reapprove, in accordance with Rule 4723-26-14, OAC, the Cincinnati State Technical and Community College Community Health Worker Program for a period of two years effective September 19, 2013. Motion adopted by unanimous vote of the Board members.

##### Kingston Healthcare Med Aide Training Program

**Action:** It was moved by Janet Arwood, seconded by Rhonda Barkheimer, that the Board reapprove, in accordance with Rule 4723-27-07, OAC, Kingston Healthcare Med Aide Training Program for a period of two years effective September 19, 2013. Motion adopted by unanimous vote of the Board members.

##### Senior Home Care Solutions

**Action:** It was moved Roberta Stokes, seconded by Nancy Fellows, that the Board reapprove, in accordance with Rule 4723-27-07, OAC, Senior Home Care Solutions medication aide training program for a period of two years effective September 19, 2013. Motion adopted by unanimous vote of the Board members.

#### **Retroactive Approval for Licensees and Certificate Holders**

**Action:** It was moved by Sheryl Warner, seconded by Susan Morano, that the Board retroactively ratify, as submitted, the licenses and certificates, including temporary permits, initially issued by the Board July 1, 2013 through August 31, 2013 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; dialysis

technician intern certificates; community health workers; and certified medication aides, taking into account those licenses and certificates subject to discipline, surrender or non-renewal. Motion adopted by unanimous vote of the Board members.

## **ADJUDICATION AND COMPLIANCE**

On Friday, September 20, 2013, Judith Church requested that each voting Board member verify that they reviewed in depth all materials by saying "yes" or "no" and that any Board member who had not reviewed the materials refrain from participating in the adjudication of any matter. Lisa Klenke arrived at 11:50 a.m. on Thursday, September 19, and was present for quasi-judicial case discussion and participated in adjudication matters.

### **Board Actions**

#### **NOTICES OF OPPORTUNITY FOR HEARING**

**Action:** It was moved by Janet Arwood, seconded by Susan Morano, that the Board issue a Notice of Opportunity for Hearing for violations of Chapter 4723. ORC for the following case(s):

Osei-Bonsu, Florence, R.N. 387532, P.N. 139220 (CASE #13-4934); Turner, Bernice E., P.N. 152076 (CASE #13-3795); Reed, Max H., P.N. 130481 (CASE #13-4516); Webb (Patterson), Jill E., R.N. 294571, NP 06434 (CASE #13-2802); Ziegler, Donna S., R.N. 296494 (CASE #13-3124); Majchszak, Kevin J., R.N. 217720, NP 08670 (CASE #13-3164); Shetley, Crystal L., R.N. 307032 (CASE #13-3985); Awosefaju, Jamil A., P.N. 131180 (CASE #13-3903); Gilbert, Brunner G., P.N. 113638 (CASE #13-2939); Dailey, Dana L., R.N. 374286 (CASE #13-3677); Hatton, Jennifer R., R.N. 350083 (CASE #13-1037); Reeves, Dennis W., R.N. 392282 (CASE #13-3556); Beda, Bethany L., P.N. 144908 (CASE #12-5735); Armstrong, Barbara J., R.N. 135251 (CASE #12-6638); Dragash, Terry A., R.N. 175049 (CASE #13-3369); Sowers, Amanda L., R.N. 279213, P.N. 094630 (CASE #12-7427); Johnson, Jennifer L., P.N. 101369 (CASE #13-2260); Coleman, Marilyn E., P.N. 113294 (CASE #13-2116); Didion, Julie A., P.N. NCLEX (CASE #12-5389); Markwell, Linda F., P.N. 089689 (CASE #12-6665); Newland, Mark B., R.N. 291447 (CASE #12-2243); Dickerson, Julia A., P.N. 132855 (CASE #13-2342); Hodson, Sarah L., R.N. 358927 (CASE #12-4795); Weishampel, Kathleen, R.N. 111032 (CASE #13-0175); Urbatsch, Erika L., R.N. 288319 (CASE #13-3610); Echols, Cheryl T., CHW applicant (CASE #12-5991); Warren, Cristia L., R.N. 180623 (CASE #11-4006); Glover, Marcella G., R.N. 167009 (CASE #11-2951); Leitschuh, Andrea R., R.N. 369681, P.N. 138346 (CASE #12-7325); Yarwood, Cameron A., P.N. 128558 (CASE #13-0510); Bowman, Angela D., P.N. 115439 (CASE #13-0970); Chesnut, Kimberly J., R.N. 303131 (CASE #13-5041); Griffis, Susan L., R.N. 293191 (CASE #13-4518); Richardson, Anne, R.N. 238311 (CASE #13-4939); Colby, Beverly M., R.N. 298609 (CASE #13-4813); Berry, Tammy L., R.N. 352052 (CASE #13-4408); Howell, Chad E., P.N. 104191 (CASE #13-5009); Johnson, Anita D., R.N. 356191 (CASE #13-5659); Smith, Matthew D.,

R.N. 317582 (CASE #11-1768); Lindsey, Adrian, R.N. NCLEX (CASE #13-3352); Hall, Kathryn L., R.N. 186134 (CASE #13-4088); Pawlaczyk, Lisa M., R.N. 339744 (CASE #12-5983); Williams, Rhonda N., R.N. 308827 (CASE #13-0828); Bubb, Nikki J., R.N. 346246 (CASE #13-1889); Hope, Kelli D., R.N. 357678 (CASE #13-0001); Bailey, Donna E., P.N. 106576 (CASE #12-7175); Arnold, Debra A., R.N. 150698 (CASE #12-3810); Stewart, Shannon V., P.N. NCLEX (CASE #13-2680); Brock, Audrey L., R.N. 336550 (CASE #13-2143); Kraykovich, Krysten M., R.N. 385800 (CASE #13-4716); Miceli, Ashley S., R.N. 386793 (CASE #13-4717); Wiegand, Shannon-Marie C., DTI applicant (CASE #13-5488); Thomas, Daryl D., DTI applicant (CASE #13-5590); Noe, Megan R., P.N. 133220 (CASE #13-5212); Walker, Danielle, R.N. 350769 (CASE #13-2423); Weiss, Amy M., R.N. 265289 (CASE #12-3995); Donaldson, Carrie E., R.N. 301011 (CASE #13-1455); Tomlin, Patricia AR., P.N. 084771 (CASE #13-2000); Gill, Angela J., R.N. 310690 (CASE #12-2903); Zielinski, Kimberly A., R.N. 263235 (CASE #13-4113); Witt, Alexander J., D.T. 03425 (CASE #13-3946); Saunders, Janet M., R.N. 227703 (CASE #13-1410); Etiendem, Anslem B., P.N. 139918 (CASE #12-6750); Cameron, Robyn S., R.N. 292227 (CASE #13-0267); Lowery, Richard K., R.N. 173071 (CASE #13-3405); Martin, Andrew C., R.N. 373470 (CASE #13-5710); Bauer, Charlette J., R.N. 333009 (CASE #13-2284); Vargo, William P., R.N. 289290 (CASE #13-5705); and Williams, Monica L., R.N. 366228, P.N. 121106 (CASE #13-5248).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Complete copies of the Notices of Opportunity for Hearing shall be maintained in the exhibit book for the September 2013 Board Meeting.

#### **IMMEDIATE SUSPENSIONS AND NOTICES OF OPPORTUNITY FOR HEARING**

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

Cookson, Kimberley A., R.N. 377158, P.N. 141440 (CASE #13-4902); Paster, Kimberly M., P.N. 142401 (CASE #12-6766); Atkins, Michael C., R.N. 365915 (CASE #13-4726); Williams, Daniel R., P.N. 083907 (CASE #12-4272); Shepherd, Constance, P.N. 080413 (CASE #13-0231); Costello, Jacqueline P., P.N. 128704 (CASE #13-1958); Sherman, Monica K., R.N. 301703 (CASE #13-3030); Helton, II, Jeston B., R.N. 195144 (CASE #12-2379); and Zufall, Jr., Kenneth W., R.N. 362166 (CASE #13-5152).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Complete copies of the Immediate Suspensions and Notices of Opportunity for Hearing shall be maintained in the exhibit book for the September 2013 Board Meeting.

### **AUTOMATIC SUSPENSIONS AND NOTICES OF OPPORTUNITY FOR HEARING**

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

McElroy, Jeff W., R.N. 250454 (CASE #13-2821); Jakubowski, Zenith A., R.N. 288784 (CASE #13-4115); Donkor, Victoria, P.N. 147884 (CASE #13-3541); Hyatt, Lisa K., P.N. 096208 (CASE #13-4138); Miller, Nicholas R., P.N. 151550 (CASE #13-2053); Gentile, Neale A., R.N. 252238 (CASE #13-5837); Dieng, Chantal A., P.N. 099322 (CASE #13-4219); Marsh, Rebecca J., R.N. 314908 (CASE #13-3421); Lee, Amber D., P.N. 119739 (CASE #13-5045); Frederick, Wendi G., R.N. 285677 (CASE #13-5000); Hartley, Meredith M., P.N. 116257 (CASE #13-5043); Allen, Darlene L., R.N. 328526 (CASE #13-4423); Pace, Alisa G., R.N. 284511 (CASE #13-5044); Juscak, Christine R., R.N. 269783 (CASE #13-4745); Gladish, Anne M., R.N. 210169 (CASE #13-1451); Race, David L., R.N. 322363 (CASE #13-5064); Robinson, Paula R., P.N. 153679 (CASE #13-4571); Buttlerwerth, Tina M., P.N. 086967 (CASE #13-0007); and Knepper, Heather, R.N. 277536 (CASE #13-2490).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Complete copies of the Automatic Suspensions and Notices of Opportunity for Hearing shall be maintained in the exhibit book for the September 2013 Board Meeting.

### **POST IMMEDIATE SUSPENSIONS AND NOTICES OF OPPORTUNITY FOR HEARING**

**Action:** It was moved by Lisa Klenke, seconded by Nancy Fellows, that the Board Immediately Suspend the license(s) and issue a Notice of Opportunity for Hearing for violations of Chapter 4723., ORC for the following case(s):

Boicourt, Jeffrey A., R.N. 176766 (CASE #13-1516); Davis-Roberts, Rebecca K., P.N. 121032 (CASE #13-4420); Schmidt, Tamera S., R.N. 239354 (CASE #13-5010); Howard, Amber M., R.N. 318194 (CASE #12-0617); and Alcorn, Marcellina R., P.N. 136595 (CASE #13-4541).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

The Immediate Suspension Notices for these cases had already been issued

by the time the Notices of Opportunity for Hearing were approved during the meeting.

Complete copies of the Post Immediate Suspensions and Notices of Opportunity for Hearing shall be maintained in the exhibit book for the September 2013 Board Meeting.

## **SURRENDERS/WITHDRAWALS**

### **Permanent Voluntary Surrender**

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

Harrison, Darlene M., R.N. 160955 (CASE #12-5020); Hale, Mark A., P.N. 104406 (CASE #13-4506); Thompson, Lindsey J., P.N. 148900 (CASE #13-4574); Lanz, Barbara J., R.N. 175420, NA 08183 (CASE #13-4990); Graves, Marcella K., R.N. 184197 (CASE #13-0305); Oneil, Katrina M., P.N. 150282 (CASE #13-5854); Wells, Hannelore E., P.N. 090198 (CASE #13-3558); Ford, Katrina B., R.N. 278065 (CASE #13-5007); and Price, Melissa E., R.N. 196509 (CASE #13-5994).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

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

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

Shannon, Justin A., R.N. NCLEX (CASE #12-7111).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Complete copies of the Voluntary Non-Permanent Withdrawal of Application for Licensure by Examination shall be maintained in the exhibit book for the September 2013 Board Meeting.

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

**Action:** It was moved by Sheryl Warner, seconded by Nancy Fellows, that the Board accept the Voluntary Non-Permanent Withdrawal of Application for Licensure by Endorsement for the following case(s):

Hiatt, Teresa M., P.N. Endorse (CASE #13-2080).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Complete copies of the Voluntary Non-Permanent Withdrawal of Application for Licensure by Endorsement shall be maintained in the exhibit book for the September 2013 Board Meeting.

### **CONSENT AGREEMENTS**

**Action:** It was moved by J. Jane McFee, seconded by Lisa Klenke, that the Board approve the Consent Agreements for violations of Chapter 4723., ORC entered into by and between the Board in the following case(s):

Milligan, Dennis L., P.N. 118356 (CASE #11-0847); Crenshaw, Portia C., P.N. 127139 (CASE #11-2597); Yeager, Honore J., P.N. 061861 (CASE #13-1665); Byrne, Karen A., R.N. 149493 (CASE #12-5861); Watkins, Karen L., P.N. 054693 (CASE #12-5194); Wise, Carrol S., R.N. 225555 (CASE #13-1210); Federman, Karen J., R.N. endorse (CASE #13-3449); O'Leary, James P., R.N. 259502 (CASE #12-0039); Bair, Matthew C., R.N. 356226 (CASE #12-7208); Pinnell, Esther L., P.N. 056369 (CASE #12-4779); Seiler, Pamela R., R.N. 174812 (CASE #11-3981); Capiccioni, Nancy J., R.N. 239454 (CASE #13-3278); Goodridge, Destiny L., P.N. NCLEX (CASE #11-4508); Schroeder, Krystal M., R.N. 372004 (CASE #11-3465); Tippens, Jennifer I., R.N. endorse (CASE #13-0146); Scott, Tamara M., P.N. 087359 (CASE #11-3795); Bishop, Dionna T., R.N. NCLEX (CASE #13-1399); Von Bauer, Diana L., P.N. 105650 (CASE #13-3106); Dover, Donna, P.N. NCLEX (CASE #13-0700); Garcia, Tianna I., P.N. NCLEX (CASE #13-2681); Beasley, Ashley M., P.N. NCLEX (CASE #12-6364); Kuschnerus, Kirstan F., P.N. NCLEX (CASE #13-3301); Zebrowski, Michael, R.N. 357917 (CASE #13-3731); Cook, Connie J., R.N. 333054, P.N. 122786 (CASE #12-6746); King, Adrienne R., P.N. 095728 (CASE #13-2066); Ziemba, Valerie R., R.N. 235248 (CASE #11-3484); Deluca, Karen A., R.N. 155038 (CASE #13-2916); Bostick, Vincent D., P.N. NCLEX (CASE #13-1272); Finnical, Mindi B., P.N. 108241 (CASE #13-2187); Schmidt, Grayson B., P.N. 123275 (CASE #12-7441); Powell, Carla R., R.N. 125161 (CASE #13-3896); King, Dawn M., P.N. 121849 (CASE #11-5015); Hill, Sayward S., R.N. 319679, P.N. 112929 (CASE #12-4444); Sexton, Stephanie K., P.N. 145267 (CASE #12-1263); Chafin, Amelia E., R.N. 270274 (CASE #13-1632); Pyles, April D., P.N. 150048 (CASE #12-7440); Demessie, Zufan L., R.N. 344786 (CASE #11-5250); Tucker-Jackson, Michelle R., R.N. 319563, P.N. 109742 (CASE #11-5022); Summers, Lorilee E., R.N. 229070 (CASE #12-4026); Sverha, Jessica A., R.N. 334570 (CASE #13-0308); Swick, Cheryl, R.N. 287574 (CASE #10-4647); Nigro, Annette, R.N. 251552. NA 02387 (CASE #13-4393); Etzler, Lowayne E., P.N. 095286 (CASE #13-5462); Isaacson, Barbara M., R.N. 306841 (CASE #12-2172); Collins, Jennifer M., R.N. 265014 (CASE #12-6445); Hall, Casey L., P.N. NCLEX (CASE #13-3437); Chapman, Eric C., P.N. NCLEX (CASE #12-6775); Stevens, Gregory J., R.N. 264895 (CASE #13-3729); Sindelar, Shawn M., R.N. 371675 (CASE #12-6310); Somogyi, Annamaria, R.N. 279360 (CASE #12-7277); Connelly, Tamson H., R.N. 286935 (CASE #13-3569); Carlone, Christine M., P.N. 139787 (CASE #13-4174); Perry, Tania R., R.N. 192428 (CASE #13-3854); Greene, Cathy M., R.N.

213131 (CASE #13-5094); Galindo, Delena, R.N. NCLEX, P.N. 128273 (CASE #13-3200); Armstrong, Lisa G., R.N. 168777 (CASE #12-6464); Pearce, Sandra L., R.N. 192126 (CASE #13-2340); Simons, Rebecca J., P.N. 126396 (CASE #13-3173); Farmer, Dawn M., R.N. NCLEX, P.N. 133709 (CASE #13-3698); Manning, Eleanor L., R.N. endorse (CASE #13-3995); Seawright, Theresa, R.N. 220039, P.N. 070707 (CASE #13-5497); Melton, Melissa A., P.N. 149152 (CASE #13-5169); Curry, Kathy J., R.N. 378255 (CASE #13-4152); Bradford, Patricia L., P.N. 108799 (CASE #12-4222); Kelso, Ryan A., R.N. 299938 (CASE #11-4563); Massey, Laurie K., R.N. 276203 (CASE #12-0202); Wiget, Lisa A., P.N. 141766 (CASE #13-0243); Burgess, Patricia M., R.N. 261520 (CASE #13-4119); Reiss, Stephen C., R.N. 276644 (CASE #13-0062); Martin, Jennifer, R.N. 359844 (CASE #13-0557); Bushong, Ladonna M., R.N. 096832 (CASE #13-4851); Ritchey, Sandi J., R.N. 250513 (CASE #13-2706); Thomas, Julie B., R.N. 273572 (CASE #13-3579); Duranti, Alicia D., R.N. 337205 (CASE #12-1133); Ball, Carrissa L., P.N. NCLEX (CASE #13-2733); Baldwin Wallace University Accelerated, Bachelor of Science In Nursing, (CASE #13-5667); Donovan, Mary K., R.N. 182477 (CASE #13-4357); Trout, Desrae L., R.N. 338175 (CASE #12-1375); Rasool, Amanda JM., R.N. 329665 (CASE #12-3910); Griffin, Sharon L., R.N. 106438 (CASE #13-5046); Dickson, Tiffany A., P.N. 144198 (CASE #13-4160); Schur, Susan L., R.N. 323905 (CASE #12-5948); Martin, Holly R., R.N. 386038, D.T. 01078 (CASE #13-2322); Gedraitis, Joanne C., R.N. 267372 (CASE #13-5616); Domzalski, Audrey M., R.N. 360992 (CASE #13-1739); Breckinridge School of Nursing & Health Sciences @ ITT Technical Institute, Akron, (CASE #13-5670); McMillan, Alecia N., R.N. 360355 (CASE #13-4849); Malloy, William J., R.N. 169856, NA 01538 (CASE #13-1654); Johnson, Jaime L., R.N. 361434 (CASE #11-3523); Risner, Bridget A., R.N. 288866 (CASE #12-1773); Blazer, Michelle J., R.N. 293991 (CASE #13-4987); Snyder, Jaime A., R.N. 380677, NP applicant, RX applicant (CASE #13-4768); Meyer, Jennifer S., P.N. NCLEX (CASE #12-7458); Conner, Gerilyn A., R.N. 221511 (CASE #13-2189); Starr, John, P.N. NCLEX (CASE #12-6769); Shearer, Michael R., R.N. 364062 (CASE #13-2355); Allen, Lyndsiey M., R.N. NCLEX, P.N. 146345 (CASE #13-4604); and Marsee, Samantha M., R.N. NCLEX (CASE #13-4259).

Rhonda Barkheimer abstained from voting on all cases. Judith Church abstained from voting on all cases. J. Jane McFee abstained from voting on Malloy, William J., R.N. 169856, NA 01538 (CASE #13-1654) only. Susan Morano abstained from voting on the following cases only: Byrne, Karen A., R.N. 149493 (CASE #12-5861); Cook, Connie J., R.N. 333054, P.N. 122786 (CASE #12-6746); Stevens, Gregory J., R.N. 264895 (CASE #13-3729); and Blazer, Michelle J., R.N. 293991 (CASE #13-4987).

Nancy Fellows voted no on Cook, Connie J., R.N. 333054, P.N. 122786 (CASE #12-6746) only. J. Jane McFee voted no on the following cases only: Swick, Cheryl, R.N. 287574 (CASE #10-4647); Curry, Kathy J., R.N. 378255 (CASE #13-4152); Donovan, Mary K., R.N. 182477 (CASE #13-4357); and Risner, Bridget A., R.N. 288866 (CASE #12-1773). Susan Morano voted no on the following cases only: Chapman, Eric C., P.N. NCLEX (CASE #12-6775);

Massey, Laurie K., R.N. 276203 (CASE #12-0202); and Wiget, Lisa A., P.N. 141766 (CASE #13-0243). Tracy Ruegg voted no on the following cases: Kuschnerus, Kirstan F., P.N. NCLEX (CASE #13-3301); King, Adrienne R., P.N. 095728 (CASE #13-2066); Sverha, Jessica A., R.N. 334570 (CASE #13-0308); Seawright, Theresa, R.N. 220039, P.N. 070707 (CASE #13-5497); Johnson, Jaime L., R.N. 361434 (CASE #11-3523); and Risner, Bridget A., R.N. 288866 (CASE #12-1773). Sheryl Warner voted no on the following cases only: Wise, Carrol S., R.N. 225555 (CASE #13-1210); King, Dawn M., P.N. 121849 (CASE #11-5015); Chafin, Amelia E., R.N. 270274 (CASE #13-1632); Wiget, Lisa A., P.N. 141766 (CASE #13-0243); and Malloy, William J., R.N. 169856, NA 01538 (CASE #13-1654).

Motion adopted by majority vote of the Board members.

Complete copies of the Consent Agreements shall be maintained in the exhibit book for the September 2013 Board Meeting.

#### **HEARING EXAMINER'S REPORT AND RECOMMENDATION**

Oliveros, Denelle R., R.N. 365891 (CASE #12-0743)

**Action:** It was moved by Roberta Stokes, seconded by Tracy Ruegg, that the Board order that Respondent's Exhibit R, page 11, be redacted to remove a social security number in accordance with the Federal Privacy Act of 1974. It was further moved that the Board accept all of the Findings of Fact and Conclusions of Law in the Hearing Examiner's Report and Recommendation, and modify the Recommendation in the Hearing Examiner's Report and Recommendation, and ordered that **DENELLE RENE OLIVEROS's** license to practice nursing as a registered nurse in the State of Ohio be suspended for an indefinite period of time, but not less than three (3) years, with the conditions for reinstatement set forth below, and following reinstatement, **MS. OLIVEROS's** license to practice nursing as a registered nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years, with the **Permanent Practice and Temporary Narcotic Restrictions** set forth below.

The rationale for the modification is the following:

The Board in its expertise has determined that a longer suspension with additional reinstatement and monitoring terms including a minimum period of twelve (12) months of negative drug screens is required in order to determine if **MS. OLIVEROS** is capable of practicing nursing safely and for effective monitoring of **MS. OLIVEROS's** practice if her license is reinstated. **MS. OLIVEROS** has a long history of mental health and substance abuse issues and her involvement with the State of Washington's Monitoring Program began in 2008, after her psychiatrist reported that she was using marijuana and was addicted to Tramadol. As set forth in paragraph four of the Hearing Examiner's Finding of Fact, **MS. OLIVEROS** removed herself from Washington's Monitoring Program after she tested positive for alcohol in a random drug

screen in July 2008, and she did not submit to random drug testing with the state after that time. **MS. OLIVEROS** has not submitted any evidence of urine drugs screens to the Ohio Board of Nursing. **MS. OLIVEROS's** license in the State of Washington is indefinitely suspended and she has not met the reinstatement conditions set forth in the Order issued by the State of Washington.

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

1. **MS. OLIVEROS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. OLIVEROS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. OLIVEROS** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. OLIVEROS**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. OLIVEROS's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. OLIVEROS** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: ten (10) hours of Substance Abuse, and two (2) hours of Ohio Nursing Law and Rules.
5. **Prior to requesting reinstatement by the Board, MS. OLIVEROS** shall submit documentation of her successful completion of all terms and conditions imposed by the State of Washington in its 2012 Findings of Fact, Conclusions of Law, and Final Order of Default (Failure to Respond).

#### **Monitoring**

6. **MS. OLIVEROS** 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. OLIVEROS's** history. **MS. OLIVEROS** shall self-administer the prescribed drugs only in the manner prescribed.
7. **MS. OLIVEROS** shall abstain completely from the use of alcohol.

8. **Prior to seeking reinstatement by the Board, MS. OLIVEROS** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. OLIVEROS** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. OLIVEROS** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. OLIVEROS's** license, and a statement as to whether **MS. OLIVEROS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
9. **MS. OLIVEROS** 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. OLIVEROS's** license.
10. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. OLIVEROS** 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. OLIVEROS'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. OLIVEROS** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. OLIVEROS's** history.
11. Within thirty (30) days prior to **MS. OLIVEROS** initiating drug screening, **MS. OLIVEROS** 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. OLIVEROS**.
12. After initiating drug screening, **MS. OLIVEROS** 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. OLIVEROS** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.

13. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. OLIVEROS** 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. OLIVEROS** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
14. **Prior to requesting reinstatement by the Board, MS. OLIVEROS** shall, at her own expense, obtain a psychiatric evaluation from a Board approved psychiatrist and shall provide the Board with complete documentation of such evaluation. Prior to the evaluation, **MS. OLIVEROS** shall provide the psychiatrist with a copy of this Order and Notice of Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. OLIVEROS's** license, and a statement as to whether **MS. OLIVEROS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
15. **MS. OLIVEROS** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the psychiatrist described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. OLIVEROS's** license.

#### **Reporting Requirements of MS. OLIVEROS**

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

19. **MS. OLIVEROS** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
20. **MS. OLIVEROS** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
21. **MS. OLIVEROS** shall verify that the reports and documentation required by this Order are received in the Board office.
22. **MS. OLIVEROS** 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. OLIVEROS** submits a written request for reinstatement; (2) the Board determines that **MS. OLIVEROS** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. OLIVEROS** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. OLIVEROS** and review of the documentation specified in this Order.

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

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

### **Monitoring**

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

6. **MS. OLIVEROS** 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. OLIVEROS** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. OLIVEROS** 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. OLIVEROS** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. OLIVEROS** 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. OLIVEROS** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. OLIVEROS** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. OLIVEROS** shall **notify the Board, in writing.**
11. **MS. OLIVEROS** 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 nursing employment.** **MS. OLIVEROS** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. OLIVEROS** shall have her employer(s) send documentation to the

Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. OLIVEROS**

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

### **Temporary Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

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

**MS. OLIVEROS** 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. OLIVEROS's suspension shall be lifted and MS. OLIVEROS's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. OLIVEROS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. OLIVEROS** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. OLIVEROS** 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. OLIVEROS** has complied with all aspects of this Order; and (2) the Board determines that **MS. OLIVEROS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. OLIVEROS** and review of the reports as required herein. Any period during which **MS. OLIVEROS** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20<sup>th</sup> day of September, 2013.

Motion adopted by majority vote of the Board with Rhonda Barkheimer and Judith Church abstaining.

Martin, Kiesha D., P.N. 105015 (CASE #10-4425)

**Action:** It was moved by Sheryl Warner, seconded by Janet Arwood, that accept all of the Findings of Fact and Conclusions of Law in the Hearing Examiner's Report and Recommendation, and modify the Recommendation in the Hearing Examiner's Report and Recommendation, and ordered that **KIESHA DEAN MARTIN's** license to practice nursing as a licensed practical nurse in the State of Ohio be suspended for an indefinite period of time, but not less than three (3) years, with the conditions for reinstatement set forth below, and following reinstatement, **MS. MARTIN's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years, with the **Permanent Practice** and **Permanent Narcotic Restrictions** set forth below.

The rationale for the modification is the following:

The Board has determined in its expertise that due to the severity of **MS. MARTIN's** violations, including multiple felonies and practice issues including falsification of patient records, **MS. MARTIN** must be permanently restricted from unsupervised settings and from supervising other nurses unless otherwise approved by the Board.

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

1. **MS. MARTIN** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. MARTIN** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. MARTIN** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. MARTIN**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. MARTIN's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. MARTIN** shall submit documentation of her full compliance with the terms and conditions of probation imposed by the Mahoning Court of Common Pleas in Case Number 11-CR-270.

## Monitoring

5. **MS. MARTIN** 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. MARTIN's** history. **MS. MARTIN** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. MARTIN** shall abstain completely from the use of alcohol.
7. **Prior to seeking reinstatement by the Board, MS. MARTIN** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. MARTIN** shall provide the chemical dependency professional with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing. Further, **MS. MARTIN** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. MARTIN's** license, and a statement as to whether **MS. MARTIN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. MARTIN** 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. MARTIN's** license.
9. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. MARTIN** 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. MARTIN'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. MARTIN** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. MARTIN's** history.
10. Within thirty (30) days prior to **MS. MARTIN** initiating drug screening, **MS. MARTIN** 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. MARTIN**.
11. After initiating drug screening, **MS. MARTIN** 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. MARTIN** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  12. For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, **MS. MARTIN** 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. MARTIN** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. MARTIN**

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

19. **MS. MARTIN** 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. MARTIN** submits a written request for reinstatement; (2) the Board determines that **MS. MARTIN** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. MARTIN** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. MARTIN** and review of the documentation specified in this Order.

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

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

### **Monitoring**

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

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. MARTIN** 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. MARTIN** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. MARTIN** 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. MARTIN** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. MARTIN** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. MARTIN** shall **notify the Board, in writing.**
11. **MS. MARTIN** is under a continuing duty to provide a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. MARTIN** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. MARTIN** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. MARTIN**

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

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

#### **Permanent Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

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

**MS. MARTIN** 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. MARTIN's suspension shall be lifted and MS. MARTIN's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. MARTIN** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. MARTIN** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. MARTIN** 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. MARTIN** has complied with all aspects of this Order; and (2) the Board determines that **MS. MARTIN** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. MARTIN** and review of the reports as required herein. Any period during which **MS. MARTIN** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20<sup>th</sup> day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Harman, Jennifer L., P.N. 137283 (CASE #11-3496)

**Action:** It was moved by Susan Morano, seconded by Sheryl Warner, that the Board accept all of the Findings of Fact and Conclusions of Law in the Hearing Examiner's Report and Recommendation, and modify the Recommendation in the Hearing Examiner's Report and Recommendation, and ordered that **JENNIFER L. HARMAN's** license to practice nursing as a licensed practical nurse in the State of Ohio be suspended for an indefinite period of time, but not less than three (3) years, with the conditions for reinstatement set forth below, and following reinstatement, **MS. HARMAN's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years, with the **Permanent Practice Restrictions** set forth below.

The rationale for the modification is the following:

**MS. HARMAN's** conduct involved a vulnerable disabled patient in the home care setting and her violations warrant a longer period of suspension from the practice of nursing.

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

1. **MS. HARMAN** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HARMAN** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. HARMAN** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. HARMAN**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. HARMAN's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. HARMAN** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: eight (8) hours of Ethics, five (5) hours of Professional Boundaries, and five (5) hours of Patient Rights.

#### **Reporting Requirements of MS. HARMAN**

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

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

9. **MS. HARMAN** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
10. **MS. HARMAN** shall verify that the reports and documentation required by this Order are received in the Board office.
11. **MS. HARMAN** 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. HARMAN** submits a written request for reinstatement; (2) the Board determines that **MS. HARMAN** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. HARMAN** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. HARMAN** and review of the documentation specified in this Order.

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

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

### **Employment Conditions**

3. Prior to accepting employment as a nurse, each time with every employer, **MS. HARMAN shall notify the Board, in writing.**
4. **MS. HARMAN** 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 nursing employment.** **MS. HARMAN** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. HARMAN** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this

Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. HARMAN**

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

### **Permanent Practice Restrictions**

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

**MS. HARMAN** 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. HARMAN's suspension shall be lifted and MS. HARMAN's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. HARMAN** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. HARMAN** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. HARMAN** 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. HARMAN** has complied with all aspects of this Order; and (2) the Board determines that **MS. HARMAN** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. HARMAN** and review of the reports as required herein. Any period during which **MS. HARMAN** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20<sup>th</sup> day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

#### **BOARD HEARING COMMITTEE**

Keys, Delishia D., P.N. 145337 (CASE #12-2103)

**Action:** It was moved by Nancy Fellows, seconded by Janet Arwood, that the Board accept all of the Findings of Fact and Conclusions in the Hearing Committee's Report and Recommendation, and modify the Recommendation in the Hearing Committee's Report and Recommendation, and ordered that **DELISHIA D. KEYS's** license to practice nursing as a licensed practical nurse in the State of Ohio be suspended for an indefinite period of time with the conditions for reinstatement set forth below, and following reinstatement, **MS. KEYS's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and

limitations set forth below for a minimum period of one (1) year, with the **Temporary Practice Restrictions** set forth below.

The rationale for the modification is the following:

The rationale for the modification is that the July 2011 Consent Agreement was breached by **MS. KEYS**, and therefore, rather than imposing a suspension until **MS. KEYS** complies with the continuing nursing education requirements of the July 2011 Consent Agreement, **MS. KEYS's** suspension should be in place until she complies with the terms and conditions for reinstatement set forth below, including continuing nursing education, and other requirements recommended by the Board Hearing Committee, and that following reinstatement, **MS. KEYS's** license should be subject to the probationary terms, conditions and temporary practice restrictions set forth below, rather than as set forth in the July 2011 Consent Agreement.

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

1. **MS. KEYS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. KEYS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. KEYS** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. KEYS**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. KEYS's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. KEYS** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: 5.4 hours of Professional Accountability and Legal Liability for Nurses, ten (10) hours of Managing Difficult Patients, and twenty (20) hours of Anger Kills (How to Overcome the Boiling Point).

#### **Reporting Requirements of MS. KEYS**

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

6. **MS. KEYS** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
7. **MS. KEYS** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
8. **MS. KEYS** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
9. **MS. KEYS** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
10. **MS. KEYS** shall verify that the reports and documentation required by this Order are received in the Board office.
11. **MS. KEYS** 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. KEYS** submits a written request for reinstatement; (2) the Board determines that **MS. KEYS** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. KEYS** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. KEYS** and review of the documentation specified in this Order.

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

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

#### **Employment Conditions**

3. Prior to accepting employment as a nurse, each time with every employer, **MS. KEYS** shall **notify the Board, in writing.**
4. **MS. KEYS** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new

employer **prior to accepting nursing employment.** **MS. KEYS** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. KEYS** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. KEYS**

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

### **Temporary Practice Restrictions**

**MS. KEYS** shall not practice nursing as a licensed practical nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides

nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. KEYS** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MS. KEYS** 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. KEYS's suspension shall be lifted and MS. KEYS's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. KEYS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. KEYS** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. KEYS** 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. KEYS** has complied with all aspects of this Order; and (2) the Board determines that **MS. KEYS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. KEYS** and review of the reports as required herein. Any period during which **MS. KEYS** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20<sup>th</sup> day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer, Judith Church, J. Jane McFee, and Susan Morano abstaining.

Brewer, Maureen, R.N. 215965 (CASE #11-4677)

**Action:** It was moved by Lisa Klenke, seconded by Tracy Ruegg, that the Board order that Respondent's Social Security Number be redacted from State's Exhibit 18. It was further moved that the Board accept all of the Findings of Fact, Conclusions, and the Recommendation in the Hearing Committee's Report and Recommendation, and ordered that **MAUREEN BREWER's** license to practice nursing as a registered nurse in the State of Ohio be suspended for an indefinite period of time but not less than three (3) years, with the conditions for reinstatement set forth below, and following reinstatement, **MS. BREWER's** license to practice nursing as a registered nurse shall be subject to a stayed

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

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

1. **MS. BREWER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. BREWER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. BREWER** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. BREWER**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. BREWER's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. BREWER** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education course taken subsequent to the effective date of this Order: Nurses, Narcotics, and Narcotic Abuse.

#### **Monitoring**

5. **MS. BREWER** 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. BREWER's** history. **MS. BREWER** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. BREWER** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **MS. BREWER** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. BREWER** shall provide the chemical dependency professional with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing. Further, **MS. BREWER** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a

- written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. BREWER's** license, and a statement as to whether **MS. BREWER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. BREWER** 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. BREWER's** license.
  9. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. BREWER** 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. BREWER'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. BREWER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. BREWER's** history.
  10. Within thirty (30) days prior to **MS. BREWER** initiating drug screening, **MS. BREWER** 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. BREWER**.
  11. After initiating drug screening, **MS. BREWER** 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. BREWER** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  12. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. BREWER** 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.**

**BREWER** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

### **Reporting Requirements of MS. BREWER**

13. **MS. BREWER** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
14. **MS. BREWER** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
15. **MS. BREWER** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
16. **MS. BREWER** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
17. **MS. BREWER** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
18. **MS. BREWER** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. BREWER** 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. BREWER** submits a written request for reinstatement; (2) the Board determines that **MS. BREWER** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. BREWER** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. BREWER** and review of the documentation specified in this Order.

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

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

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

### **Monitoring**

3. **MS. BREWER** 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. BREWER's** history. **MS. BREWER** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. BREWER** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. BREWER** 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. BREWER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. BREWER's** history.
6. **MS. BREWER** 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. BREWER** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

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

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

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. BREWER** shall **notify the Board, in writing**.
11. **MS. BREWER** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment**. **MS. BREWER** 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 **beginning within thirty (30) days of accepting nursing employment**. **MS. BREWER** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. BREWER**

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

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

#### **Permanent Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

**MS. BREWER** 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. BREWER's suspension shall be lifted and MS. BREWER's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. BREWER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. BREWER** via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, **MS. BREWER** 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. BREWER** has complied with all aspects of this Order; and (2) the Board determines that **MS. BREWER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. BREWER** and review of the reports as required herein. Any period during which **MS. BREWER** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer, Judith Church, J. Jane McFee, and Susan Morano abstaining.

Chapman, Julia M., P.N. 104279 (CASE #12-2733)

**Action:** It was moved by Tracy Ruegg, seconded by Nancy Fellows, that the Board accept all of the Findings of Fact, Conclusions, and the Recommendation in the Hearing Committee's Report and Recommendation, and ordered that **JULIA MARIE CHAPMAN's** license to practice nursing as a licensed practical nurse in the State of Ohio be suspended for an indefinite period of time but not less than two (2) years, with the conditions for reinstatement set forth below, and following reinstatement, **MS. CHAPMAN's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years, with the **Permanent Practice** and **Permanent Narcotic Restrictions** set forth below.

## **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. CHAPMAN** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. CHAPMAN** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. CHAPMAN** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. CHAPMAN**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. CHAPMAN's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.

4. **Prior to requesting reinstatement by the Board, MS. CHAPMAN** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education course taken subsequent to the effective date of this Order: fifteen (15) hours of Nurses and Drug Abuse.

### **Monitoring**

5. **MS. CHAPMAN** 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. CHAPMAN's** history. **MS. CHAPMAN** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. CHAPMAN** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **MS. CHAPMAN** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. CHAPMAN** shall provide the chemical dependency professional with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing. Further, **MS. CHAPMAN** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. CHAPMAN's** license, and a statement as to whether **MS. CHAPMAN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. CHAPMAN** 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. CHAPMAN's** license.
9. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. CHAPMAN** 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. CHAPMAN'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. CHAPMAN** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. CHAPMAN's** history.
10. Within thirty (30) days prior to **MS. CHAPMAN** initiating drug screening, **MS. CHAPMAN** 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. CHAPMAN**.
  11. After initiating drug screening, **MS. CHAPMAN** 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. CHAPMAN** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  12. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. CHAPMAN** 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. CHAPMAN** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
  13. **Prior to requesting reinstatement by the Board, and upon the Request of the Board or its designee, MS. CHAPMAN** shall, at her own expense, obtain a psychiatric evaluation from a Board approved psychiatrist and shall provide the Board with complete documentation of such evaluation. Prior to the evaluation, **MS. CHAPMAN** shall provide the psychiatrist with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. CHAPMAN's** license, and a statement as to whether **MS. CHAPMAN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
  14. **MS. CHAPMAN** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the psychiatrist described above until released. Further, the Board may utilize

the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. CHAPMAN's** license.

15. **Prior to requesting reinstatement by the Board, MS. CHAPMAN** shall, at her own expense, obtain a comprehensive physical examination by a Board approved physician for the purposes of evaluating **MS. CHAPMAN's** fitness for duty and safety to practice nursing as a licensed practical nurse. This Board approved physician shall provide the Board with complete documentation of **MS. CHAPMAN's** comprehensive physical examination and with a comprehensive assessment regarding **MS. CHAPMAN's** fitness for duty and safety to practice nursing as a licensed practical nurse. Prior to the examination, **MS. CHAPMAN** shall provide the Board approved physician with a copy of this Order and the Notice of Automatic Suspension and Opportunity for Hearing. Further, **MS. CHAPMAN** shall execute releases to permit the Board approved physician performing the comprehensive physical examination and assessment to obtain any information deemed appropriate and necessary for the assessment. The evaluating physician shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. CHAPMAN's** license to practice, and stating whether **MS. CHAPMAN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
16. The Board may utilize the Board approved physician's recommendations and conclusions from the comprehensive physician examination and assessment as a basis for additional terms, conditions, and limitations on **MS. CHAPMAN's** license.

#### **Reporting Requirements of MS. CHAPMAN**

17. **MS. CHAPMAN** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
18. **MS. CHAPMAN** 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.
19. **MS. CHAPMAN** 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.
20. **MS. CHAPMAN** 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.

21. **MS. CHAPMAN** 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.
22. **MS. CHAPMAN** shall verify that the reports and documentation required by this Order are received in the Board office.
23. **MS. CHAPMAN** 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. CHAPMAN** submits a written request for reinstatement; (2) the Board determines that **MS. CHAPMAN** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. CHAPMAN** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. CHAPMAN** and review of the documentation specified in this Order.

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

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

### **Monitoring**

3. **MS. CHAPMAN** 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. CHAPMAN's** history. **MS. CHAPMAN** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. CHAPMAN** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. CHAPMAN** 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. CHAPMAN** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. CHAPMAN's** history.
6. **MS. CHAPMAN** 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. CHAPMAN** shall provide satisfactory documentation of such attendance to the Board every six (6) months.
  7. **Upon the Request of the Board or its designee, MS. CHAPMAN** shall, at her own expense, obtain a psychiatric evaluation from a Board approved psychiatrist and shall provide the Board with complete documentation of such evaluation. Prior to the evaluation, **MS. CHAPMAN** shall provide the psychiatrist with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. CHAPMAN's** license, and a statement as to whether **MS. CHAPMAN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
  8. **MS. CHAPMAN** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the psychiatrist described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. CHAPMAN's** license.

### **Treating Practitioners and Reporting**

9. Within sixty (60) days of the execution of the probationary period, **MS. CHAPMAN** 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. CHAPMAN** 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.
10. **MS. CHAPMAN** 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. CHAPMAN** throughout the duration of this Order.

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

### **Employment Conditions**

12. Prior to accepting employment as a nurse, each time with every employer, **MS. CHAPMAN** shall **notify the Board, in writing**.
13. **MS. CHAPMAN** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment**. **MS. CHAPMAN** 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 **beginning within thirty (30) days of accepting nursing employment**. **MS. CHAPMAN** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. CHAPMAN**

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

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

#### **Permanent Narcotic Restrictions**

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

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

#### **Permanent Practice Restrictions**

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

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

of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, **MS. CHAPMAN** 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. CHAPMAN** has complied with all aspects of this Order; and (2) the Board determines that **MS. CHAPMAN** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. CHAPMAN** and review of the reports as required herein. Any period during which **MS. CHAPMAN** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer, Judith Church, J. Jane McFee, and Susan Morano abstaining.

Reynolds, Linda M., R.N. 240923 (CASE #12-6670)

**Action:** It was moved by Maryam Lyon, seconded by Roberta Stokes that the Board order that Respondent's Social Security Number be redacted from State's Exhibit 8. It was further moved that the Board accept all of the Findings of Fact, Conclusions, and the Recommendation in the Hearing Committee's Report and Recommendation, and ordered that **LINDA MARIE REYNOLDS's** license to practice nursing as a registered nurse in the State of Ohio be **PERMANENTLY REVOKED**.

The Board further Orders **LINDA MARIE REYNOLDS** to surrender her frameable wall certificate for her registered nurse license, R.N. #240923, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20<sup>th</sup> day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer, Judith Church, J. Jane McFee, and Susan Morano abstaining.

Noel, Christy, P.N. 143542 (CASE #13-0124)

**Action:** It was moved by Janet Arwood, seconded by Maryam Lyon, that the Board order that Respondent's Social Security Number be redacted from State's Exhibit 7, and sealed State's Exhibits 21 and 22. It was further moved Board accept all of the Findings of Fact, Conclusions, and the Recommendation in the Hearing Committee's Report and Recommendation, and ordered that **CHRISTY ELIZABETH NOEL's** license to practice nursing as a licensed practical nurse in the State of Ohio be **PERMANENTLY REVOKED**.

The Board further Orders **CHRISTY ELIZABETH NOEL** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #143542, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20<sup>th</sup> day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer, Judith Church, J. Jane McFee, and Susan Morano abstaining.

### **NO REQUEST FOR HEARING**

Brierley, Adriann M., R.N. 303648, P.N. 098482 (CASE #13-1157)

**Action:** It was moved by Roberta Stokes, seconded by Susan Morano, that upon consideration of the charges stated against **ADRIANN MARIE BRIERLEY** in the March 22, 2013 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. BRIERLEY** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Automatic Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. BRIERLEY's** licenses to practice nursing as a registered nurse and as a licensed practical nurse are hereby suspended for an indefinite period of time but not less than eighteen (18) months with the conditions for reinstatement set forth below, and that following reinstatement, **MS. BRIERLEY's** licenses shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of eighteen (18) months and the **Temporary Narcotic** and **Permanent Practice Restrictions** set forth below.

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

1. **MS. BRIERLEY** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. BRIERLEY** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **Prior to requesting reinstatement by the Board, MS. BRIERLEY** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. BRIERLEY**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. BRIERLEY's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.

4. **Prior to requesting reinstatement by the Board, MS. BRIERLEY** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: two (2) hours of Ohio Nursing Law and Rules, five (5) hours of Ethics, and ten (10) hours of Professionalism.

### **Monitoring**

5. **MS. BRIERLEY** 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. BRIERLEY's** history. **MS. BRIERLEY** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. BRIERLEY** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **Prior to requesting reinstatement by the Board, MS. BRIERLEY** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. BRIERLEY** shall provide the chemical dependency professional with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing. Further, **MS. BRIERLEY** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. BRIERLEY's** licenses, and a statement as to whether **MS. BRIERLEY** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. BRIERLEY** 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. BRIERLEY's** licenses.
9. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. BRIERLEY** 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. BRIERLEY'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. BRIERLEY** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. BRIERLEY's** history.
10. Within thirty (30) days prior to **MS. BRIERLEY** initiating drug screening, **MS. BRIERLEY** 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. BRIERLEY**.
  11. After initiating drug screening, **MS. BRIERLEY** 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. BRIERLEY** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  12. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. BRIERLEY** 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. BRIERLEY** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. BRIERLEY**

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

17. **MS. BRIERLEY** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
18. **MS. BRIERLEY** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. BRIERLEY** 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. BRIERLEY** submits a written request for reinstatement; (2) the Board determines that **MS. BRIERLEY** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. BRIERLEY** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. BRIERLEY** and review of the documentation specified in this Order.

**Following reinstatement, the suspension shall be stayed and MS. BRIERLEY's licenses shall be subject to the following probationary terms, conditions, and limitations for a minimum period of eighteen (18) months.**

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

### **Monitoring**

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

6. **MS. BRIERLEY** 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. BRIERLEY** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. BRIERLEY** 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. BRIERLEY** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. BRIERLEY** 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. BRIERLEY** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. BRIERLEY** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. BRIERLEY** shall **notify the Board, in writing.**
11. **MS. BRIERLEY** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. BRIERLEY** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. BRIERLEY** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were

received.

### **Reporting Requirements of MS. BRIERLEY**

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

### **Temporary Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

**MS. BRIERLEY** 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. BRIERLEY's** suspension shall be lifted and **MS. BRIERLEY's** licenses to practice nursing as a registered nurse and as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. BRIERLEY** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. BRIERLEY** via certified mail of the specific nature of the charges and automatic suspension of her licenses. Upon receipt of this notice, **MS. BRIERLEY** 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. BRIERLEY** has complied with all aspects of this Order; and (2) the Board determines that **MS. BRIERLEY** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. BRIERLEY** and review of the reports as required herein. Any period during which **MS. BRIERLEY** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Janet Arwood, Rhonda Barkheimer and Judith Church abstaining.

Carpenter, Kelley A., R.N. 319262, P.N. 110543 (CASE #12-2818)

**Action:** It was moved by Sheryl Warner, seconded by Nancy Fellows, that upon consideration of the charges stated against **KELLEY ANNE CARPENTER** in the November 16, 2012 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. CARPENTER** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing **ORDERS** that **MS. CARPENTER's** licenses to practice nursing as a registered nurse and as a licensed practical nurse are hereby suspended for an indefinite period of time with the conditions for reinstatement set forth below, and that following reinstatement, **MS. CARPENTER's** licenses to practice nursing as a registered nurse and as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the **Permanent Narcotic and Permanent Practice Restrictions** set forth below.

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

1. **MS. CARPENTER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. CARPENTER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **Prior to requesting reinstatement by the Board, MS. CARPENTER** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. CARPENTER**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. CARPENTER's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. CARPENTER** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: two (2) hours of Ohio Nursing Law and Rules and five (5) hours of Medication Documentation.

#### **Educational Needs Assessment and Learning Plan**

5. **Prior to requesting reinstatement by the Board, MS. CARPENTER** shall establish contact with a nursing educator approved by the Board who has no less than a master's degree and who is affiliated with a nursing educational program and **MS. CARPENTER** shall have the educator provide the Board with a written report of an assessment of **MS. CARPENTER**, which identifies **MS. CARPENTER's** knowledge/practice

- deficiencies and remedial educational needs. Prior to the assessment, **MS. CARPENTER** shall provide the nursing educator with a copy of this Order and the Notice of Opportunity for Hearing and shall submit to any nursing skills or knowledge assessments required by the educator. **MS. CARPENTER** 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. CARPENTER's** employer(s), former employers, and Board staff. Following the assessment, **MS. CARPENTER** shall have the educator provide the Board with a copy of a learning plan developed by the educator for **MS. CARPENTER** and shall obtain approval of the learning plan by the Board or its designee. The learning plan shall identify specific remediation that **MS. CARPENTER** 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. CARPENTER** shall complete such learning plan. **Prior to requesting reinstatement by the Board, MS. CARPENTER** 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. CARPENTER** has successfully completed the learning plan and prior to requesting reinstatement by the Board, the educator shall provide the Board with an assessment and any recommendations for additional remedial education and/or restrictions that should be placed on **MS. CARPENTER's** licenses to practice. Furthermore, the educator shall provide to the Board a written opinion stating whether **MS. CARPENTER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care. **MS. CARPENTER** shall be responsible for all costs associated with meeting this requirement.
6. The Board may utilize the educator's recommendations and conclusions from the assessment as a basis for additional terms, conditions, and limitations on **MS. CARPENTER's** licenses.
  7. In the event that the educator's recommendations require **MS. CARPENTER** to have an active nursing license, the Board, prior to reinstatement of her licenses, may issue **MS. CARPENTER** a license to practice nursing as a registered nurse or as a licensed practical nurse that is restricted to the limited use and sole purpose of completing the educator's recommendations. For all other uses and purposes, **MS. CARPENTER's** licenses shall remain suspended. Upon successful completion of the educator's recommendations and upon written notification to the Board or its designee, the limitations on **MS. CARPENTER's** license(s) shall be terminated. **MS. CARPENTER** shall not gain or attempt to gain employment as a registered nurse or as a licensed practical nurse in the State of Ohio until she has completed the requirements and conditions for reinstatement, set forth in this Order, and the Board has reinstated her licenses.

## Monitoring

8. **MS. CARPENTER** 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. CARPENTER's** history. **MS. CARPENTER** shall self-administer the prescribed drugs only in the manner prescribed.
9. **MS. CARPENTER** shall abstain completely from the use of alcohol or any products containing alcohol.
10. **Prior to requesting reinstatement by the Board, MS. CARPENTER** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. CARPENTER** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. CARPENTER** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. CARPENTER's** licenses, and a statement as to whether **MS. CARPENTER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
11. **MS. CARPENTER** 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. CARPENTER's** licenses.
12. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. CARPENTER** 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. CARPENTER'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. CARPENTER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. CARPENTER's** history.

13. Within thirty (30) days prior to **MS. CARPENTER** initiating drug screening, **MS. CARPENTER** 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. CARPENTER**.
14. After initiating drug screening, **MS. CARPENTER** 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. CARPENTER** 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.
15. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. CARPENTER** 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. CARPENTER** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
16. **Prior to requesting reinstatement by the Board, MS. CARPENTER** shall, at her own expense, obtain a psychiatric evaluation from a Board approved psychiatrist and shall provide the Board with complete documentation of such evaluation. Prior to the evaluation, **MS. CARPENTER** shall provide the psychiatrist with a copy of this Order and Notice of Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. CARPENTER's** licenses, and a statement as to whether **MS. CARPENTER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
17. **MS. CARPENTER** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the psychiatrist described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. CARPENTER's** licenses.

### **Reporting Requirements of MS. CARPENTER**

18. **MS. CARPENTER** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
19. **MS. CARPENTER** 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.
20. **MS. CARPENTER** 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.
21. **MS. CARPENTER** 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.
22. **MS. CARPENTER** 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.
23. **MS. CARPENTER** shall verify that the reports and documentation required by this Order are received in the Board office.
24. **MS. CARPENTER** 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. CARPENTER** submits a written request for reinstatement; (2) the Board determines that **MS. CARPENTER** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. CARPENTER** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. CARPENTER** and review of the documentation specified in this Order.

**Following reinstatement, the suspension shall be stayed and MS. CARPENTER's licenses shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

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

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

### **Monitoring**

3. **MS. CARPENTER** 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. CARPENTER's** history. **MS. CARPENTER** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. CARPENTER** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. CARPENTER** 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. CARPENTER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. CARPENTER's** history.
6. **MS. CARPENTER** 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. CARPENTER** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

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

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

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. CARPENTER** shall **notify the Board, in writing.**
11. **MS. CARPENTER** 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 nursing employment.** **MS. CARPENTER** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. CARPENTER** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. CARPENTER**

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

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

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

#### **Permanent Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

**MS. CARPENTER** 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. CARPENTER's suspension shall be lifted and MS. CARPENTER's** licenses to practice nursing as a registered nurse and as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. CARPENTER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. CARPENTER** via certified mail of the specific nature of the charges and automatic suspension of her licenses. Upon receipt of this notice, **MS. CARPENTER** 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. CARPENTER** has complied with all aspects of this Order; and (2) the Board determines that **MS. CARPENTER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. CARPENTER** and review of the reports as required herein. Any period during which **MS. CARPENTER** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Hammon, Courtney R., P.N. 135610 (CASE #13-0372)

**Action:** It was moved Susan Morano, seconded by J. Jane McFee, that upon consideration of the charges stated against **COURTNEY RENEE HAMMONS** in the February 6, 2013 Notice of Immediate Suspension and Opportunity for Hearing, and the March 22, 2013 Notice of Opportunity for Hearing, and evidence supporting the charges, the Board finds that **MS. HAMMONS** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notices. The Ohio Board of Nursing ORDERS that **MS. HAMMONS's** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **COURTNEY RENEE HAMMONS** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #135610, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Holder, Jessica R., P.N. 139815 (CASE #13-0077)

**Action:** It was moved by J. Jane McFee, seconded by Susan Morano, that upon consideration of the charges stated against **JESSICA R. HOLDER** in the March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. HOLDER** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. HOLDER's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time but not less than two (2)

years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. HOLDER's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years, with **Temporary Narcotic** and **Permanent Practice Restrictions** set forth below.

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

1. **MS. HOLDER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HOLDER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. HOLDER** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. HOLDER**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. HOLDER's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. HOLDER** shall submit documentation of her successful compliance with any terms and conditions imposed by the Kentucky Board of Nursing.

#### **Monitoring**

5. **MS. HOLDER** 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. HOLDER's** history. **MS. HOLDER** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. HOLDER** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **Prior to requesting reinstatement by the Board, MS. HOLDER** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. HOLDER** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. HOLDER** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary

- for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. HOLDER's** license, and a statement as to whether **MS. HOLDER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. HOLDER** 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. HOLDER's** license.
  9. **For a minimum, continuous period of nine (9) months immediately prior to requesting reinstatement, MS. HOLDER** 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. HOLDER'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. HOLDER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HOLDER's** history.
  10. Within thirty (30) days prior to **MS. HOLDER** initiating drug screening, **MS. HOLDER** 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. HOLDER**.
  11. After initiating drug screening, **MS. HOLDER** 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. HOLDER** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  12. **For a minimum, continuous period of nine (9) months immediately prior to requesting reinstatement, MS. HOLDER** 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. HOLDER** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

### **Reporting Requirements of MS. HOLDER**

13. **MS. HOLDER** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
14. **MS. HOLDER** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
15. **MS. HOLDER** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
16. **MS. HOLDER** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
17. **MS. HOLDER** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
18. **MS. HOLDER** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. HOLDER** 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. HOLDER** submits a written request for reinstatement; (2) the Board determines that **MS. HOLDER** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. HOLDER** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. HOLDER** and review of the documentation specified in this Order.

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

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

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

### **Monitoring**

3. **MS. HOLDER** 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. HOLDER's** history. **MS. HOLDER** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. HOLDER** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. HOLDER** 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. HOLDER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HOLDER's** history.
6. **MS. HOLDER** 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. HOLDER** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

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

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

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. HOLDER** shall **notify the Board, in writing.**
11. **MS. HOLDER** 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 nursing employment.** **MS. HOLDER** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. HOLDER** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. HOLDER**

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

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

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

#### **Temporary Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

**MS. HOLDER** 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. HOLDER's suspension shall be lifted and MS. HOLDER's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. HOLDER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. HOLDER** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. HOLDER** 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. HOLDER** has complied with all aspects of this Order; and (2) the Board determines that **MS. HOLDER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. HOLDER** and review of the reports as required herein. Any period during which **MS. HOLDER** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Keeper, Michelle L., R.N. 309618 (CASE #12-7487)

**Action:** It was moved by Nancy Fellows, seconded by Janet Arwood, that upon consideration of the charges stated against **MICHELLE LYNN KEEPER** in the March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. KEEPER** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. KEEPER's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time but not less than three (3) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. KEEPER's** license to practice nursing as a registered nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the **Permanent Narcotic** and **Permanent Practice Restrictions** set forth below.

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

1. **MS. KEEPER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. KEEPER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **Prior to requesting reinstatement by the Board, MS. KEEPER** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. KEEPER**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. KEEPER's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board

until the completed criminal records check, including the FBI check, has been received by the Board.

4. **Prior to requesting reinstatement by the Board, MS. KEEPER** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: fifteen (15) hours of Chemical Dependency and five (5) hours of Professionalism.

### **Monitoring**

5. **MS. KEEPER** 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. KEEPER's** history. **MS. KEEPER** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. KEEPER** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **Prior to requesting reinstatement by the Board, MS. KEEPER** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. KEEPER** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. KEEPER** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. KEEPER's** license, and a statement as to whether **MS. KEEPER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. KEEPER** 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. KEEPER's** license.
9. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. KEEPER** 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. KEEPER'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. KEEPER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. KEEPER's** history.
10. Within thirty (30) days prior to **MS. KEEPER** initiating drug screening, **MS. KEEPER** 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. KEEPER**.
  11. After initiating drug screening, **MS. KEEPER** 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. KEEPER** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  12. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. KEEPER** 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. KEEPER** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. KEEPER**

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

16. **MS. KEEPER** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
17. **MS. KEEPER** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
18. **MS. KEEPER** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. KEEPER** 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. KEEPER** submits a written request for reinstatement; (2) the Board determines that **MS. KEEPER** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. KEEPER** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. KEEPER** and review of the documentation specified in this Order.

**Following reinstatement, the suspension shall be stayed and MS. KEEPER's license shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

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

### **Monitoring**

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

6. **MS. KEEPER** 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. KEEPER** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. KEEPER** 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. KEEPER** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. KEEPER** 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. KEEPER** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. KEEPER** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. KEEPER** shall **notify the Board, in writing.**
11. **MS. KEEPER** 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 nursing employment.** **MS. KEEPER** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. KEEPER** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this

Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. KEEPER**

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

### **Permanent Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

**MS. KEEPER** 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. KEEPER's suspension shall be lifted and MS. KEEPER's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. KEEPER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. KEEPER** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. KEEPER** 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. KEEPER** has complied with all aspects of this Order; and (2) the Board determines that **MS. KEEPER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. KEEPER** and review of the reports as required herein. Any period during which **MS. KEEPER** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Kerston, Jami S., R.N. 179196 (CASE #12-6492)

**Action:** It was moved by Lisa Klenke, seconded by Tracy Ruegg, that upon consideration of the charges stated against **JAMI S. KERSTON** in the March 22, 2013 Notice of Automatic Suspension and Opportunity for Hearing and

evidence supporting the charges, the Board finds that **MS. KERSTON** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Automatic Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. KERSTON's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time but not less than two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. KERSTON's** license to practice nursing as a registered nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the **Permanent Practice Restrictions** set forth below.

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

1. **MS. KERSTON** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. KERSTON** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **Prior to requesting reinstatement by the Board, MS. KERSTON** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. KERSTON**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. KERSTON's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. KERSTON** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: two (2) hours of Ohio Nursing Law and Rules and eight (8) hours of Substance Abuse.

#### **Monitoring**

5. **MS. KERSTON** 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. KERSTON's** history. **MS. KERSTON** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. KERSTON** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **Prior to requesting reinstatement by the Board, MS. KERSTON** shall, at her own expense, obtain a chemical dependency evaluation by a Board

- approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. KERSTON** shall provide the chemical dependency professional with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing. Further, **MS. KERSTON** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. KERSTON's** license, and a statement as to whether **MS. KERSTON** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. KERSTON** 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. KERSTON's** license.
  9. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. KERSTON** 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. KERSTON'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. KERSTON** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. KERSTON's** history.
  10. Within thirty (30) days prior to **MS. KERSTON** initiating drug screening, **MS. KERSTON** 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. KERSTON**.
  11. After initiating drug screening, **MS. KERSTON** 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. KERSTON** shall notify the Board of

any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.

12. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. KERSTON** 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. KERSTON** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. KERSTON**

13. **MS. KERSTON** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
14. **MS. KERSTON** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
15. **MS. KERSTON** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
16. **MS. KERSTON** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
17. **MS. KERSTON** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
18. **MS. KERSTON** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. KERSTON** 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. KERSTON** submits a written request for reinstatement; (2) the Board determines that **MS. KERSTON** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. KERSTON** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. KERSTON** and review of the documentation specified in this Order.

**Following reinstatement, the suspension shall be stayed and MS. KERSTON's license shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

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

### **Monitoring**

3. **MS. KERSTON** 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. KERSTON's** history. **MS. KERSTON** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. KERSTON** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. KERSTON** 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. KERSTON** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. KERSTON's** history.
6. **MS. KERSTON** 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. KERSTON** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. KERSTON** 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. KERSTON** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of

- treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. KERSTON** 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. KERSTON** throughout the duration of this Order.
  9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. KERSTON** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. KERSTON** shall **notify the Board, in writing.**
11. **MS. KERSTON** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. KERSTON** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. KERSTON** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. KERSTON**

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

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

#### **Permanent Practice Restrictions**

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

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

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

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Leasure, Lisa R., P.N. 117372 (CASE #11-3404)

**Action:** It was moved by Tracy Ruegg, seconded by Lisa Klenke, that upon consideration of the charges stated against **LISA RENEE LEASURE** in the March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. LEASURE** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. LEASURE's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time but not less than two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. LEASURE's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years, with **Temporary Narcotic** and **Permanent Practice Restrictions** set forth below.

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

1. **MS. LEASURE** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. LEASURE** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. LEASURE** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. LEASURE**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. LEASURE's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.

## Monitoring

4. **MS. LEASURE** 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. LEASURE's** history. **MS. LEASURE** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MS. LEASURE** shall abstain completely from the use of alcohol or any products containing alcohol.
6. **Prior to requesting reinstatement by the Board, MS. LEASURE** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. LEASURE** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. LEASURE** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. LEASURE's** license, and a statement as to whether **MS. LEASURE** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MS. LEASURE** 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. LEASURE's** license.
8. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. LEASURE** 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. LEASURE'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. LEASURE** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. LEASURE's** history.

9. Within thirty (30) days prior to **MS. LEASURE** initiating drug screening, **MS. LEASURE** 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. LEASURE**.
10. After initiating drug screening, **MS. LEASURE** 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. LEASURE** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
11. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. LEASURE** 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. LEASURE** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
12. **Prior to requesting reinstatement by the Board, MS. LEASURE** shall, at her own expense, obtain a comprehensive physical examination by a Board approved physician for the purposes of evaluating **MS. LEASURE's** fitness for duty and safety to practice nursing as a licensed practical nurse. This Board approved physician shall provide the Board with complete documentation of **MS. LEASURE's** comprehensive physical examination and with a comprehensive assessment regarding **MS. LEASURE's** fitness for duty and safety to practice nursing as a licensed practical nurse. Prior to the examination, **MS. LEASURE** shall provide the Board approved physician with a copy of this Order and the Notice of Opportunity for Hearing. Further, **MS. LEASURE** shall execute releases to permit the Board approved physician performing the comprehensive physical examination and assessment to obtain any information deemed appropriate and necessary for the assessment. The evaluating physician shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. LEASURE's** license to practice, and stating whether **MS. LEASURE** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
13. The Board may utilize the Board approved physician's recommendations and conclusions from the comprehensive physician examination and assessment as a basis for additional terms, conditions, and limitations on **MS. LEASURE's** license.

### **Reporting Requirements of MS. LEASURE**

14. **MS. LEASURE** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
15. **MS. LEASURE** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
16. **MS. LEASURE** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
17. **MS. LEASURE** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
18. **MS. LEASURE** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
19. **MS. LEASURE** shall verify that the reports and documentation required by this Order are received in the Board office.
20. **MS. LEASURE** 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. LEASURE** submits a written request for reinstatement; (2) the Board determines that **MS. LEASURE** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. LEASURE** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. LEASURE** and review of the documentation specified in this Order.

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

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

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

### **Monitoring**

3. **MS. LEASURE** 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. LEASURE's** history. **MS. LEASURE** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. LEASURE** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. LEASURE** 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. LEASURE** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. LEASURE's** history.
6. **MS. LEASURE** 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. LEASURE** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

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

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

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. LEASURE** shall **notify the Board, in writing.**
11. **MS. LEASURE** 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 nursing employment.** **MS. LEASURE** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. LEASURE** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. LEASURE**

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

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

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

#### **Temporary Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

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

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

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Petrilla, Heidi N., R.N. 296312 (CASE #13-0842)

**Action:** It was moved by Maryam Lyon, seconded by Janet Arwood, that upon consideration of the charges stated against **HEIDI NICOLE PETRILLA** in the March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. PETRILLA** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. PETRILLA's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time with the conditions for reinstatement set forth below, and that following reinstatement, **MS. PETRILLA's** license to practice nursing as a registered nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the **Permanent Practice Restrictions** set forth below.

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

1. **MS. PETRILLA** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. PETRILLA** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **Prior to requesting reinstatement by the Board, MS. PETRILLA** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. PETRILLA**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. PETRILLA's** criminal records check reports to the

Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.

4. **Prior to requesting reinstatement by the Board, MS. PETRILLA** shall pay the fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
5. **Prior to requesting reinstatement by the Board, MS. PETRILLA** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order and approved in advance by the Board: Documentation, Critical Thinking, Ethics, Professionalism, and Establishing and Maintaining Professional Boundaries.

### **Monitoring**

6. **Prior to requesting reinstatement by the Board, MS. PETRILLA** shall, at her own expense, obtain a comprehensive physical examination by a Board approved physician for the purposes of evaluating **MS. PETRILLA's** fitness for duty and safety to practice nursing as a registered nurse. This Board approved physician shall provide the Board with complete documentation of **MS. PETRILLA's** comprehensive physical examination and with a comprehensive assessment regarding **MS. PETRILLA's** fitness for duty and safety to practice nursing as a registered nurse. Prior to the examination, **MS. PETRILLA** shall provide the Board approved physician with a copy of this Order and the Notice of Opportunity for Hearing. Further, **MS. PETRILLA** shall execute releases to permit the Board approved physician performing the comprehensive physical examination and assessment to obtain any information deemed appropriate and necessary for the assessment. The evaluating physician shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. PETRILLA's** license to practice, and stating whether **MS. PETRILLA** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. The Board may utilize the Board approved physician's recommendations and conclusions from the comprehensive physician examination and assessment as a basis for additional terms, conditions, and limitations on **MS. PETRILLA's** license.

### **Reporting Requirements of MS. PETRILLA**

8. **MS. PETRILLA** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
9. **MS. PETRILLA** 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.
10. **MS. PETRILLA** 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.
11. **MS. PETRILLA** 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.
12. **MS. PETRILLA** 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.
13. **MS. PETRILLA** shall verify that the reports and documentation required by this Order are received in the Board office.
14. **MS. PETRILLA** 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. PETRILLA** submits a written request for reinstatement; (2) the Board determines that **MS. PETRILLA** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. PETRILLA** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. PETRILLA** and review of the documentation specified in this Order.

**Following reinstatement, the suspension shall be stayed and MS. PETRILLA's license shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

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

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

### **Employment Conditions**

3. Prior to accepting employment as a nurse, each time with every employer, **MS. PETRILLA** shall **notify the Board, in writing**.
4. **MS. PETRILLA** 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 nursing employment**. **MS. PETRILLA** 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 **beginning within thirty (30) days of accepting nursing employment**. **MS. PETRILLA** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. PETRILLA**

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

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

### **Permanent Practice Restrictions**

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

**MS. PETRILLA** 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. PETRILLA's** suspension shall be lifted and **MS. PETRILLA's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. PETRILLA** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. PETRILLA** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. PETRILLA** 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. PETRILLA** has complied with all aspects of this Order; and (2) the Board determines that **MS. PETRILLA** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. PETRILLA** and review of the reports as required herein. Any period during which **MS. PETRILLA** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Reid, Violet J., P.N. 111429 (CASE #12-7093)

**Action:** It was moved by Janet Arwood, seconded by Maryam Lyon, that upon consideration of the charges stated against **VIOLET JANE REID** in the January 25, 2013 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. REID** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice. The Ohio Board of Nursing ORDERS that **MS. REID'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED.**

The Board further Orders **VIOLET JANE REID** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #111429, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Romans, Dara L., R.N. 192133 (CASE #13-1315)

**Action:** It was moved by Roberta Stokes, seconded by Janet Arwood, that upon consideration of the charges stated against **DARA L. ROMANS** in the March 22, 2013 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. ROMANS** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice. The Ohio Board of Nursing ORDERS that **MS. ROMANS'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED.**

The Board further Orders **DARA L. ROMANS** to surrender her frameable wall certificate for her registered nurse license, R.N. #192133, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Harris, Bethany, P.N. 131852 (CASE #12-1897)

**Action:** It was moved by Sheryl Warner, seconded by Tracy Ruegg, that upon consideration of the charges stated against **BETHANY HARRIS** in the January 25, 2013 Notice of Opportunity for Hearing and evidence supporting the

charges, the Board finds that **MS. HARRIS** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice. The Ohio Board of Nursing ORDERS that **MS. HARRIS's** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **BETHANY HARRIS** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #131852, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Mathews, Brent D., R.N. 284234 (CASE #12-6248)

**Action:** It was moved by Susan Morano, seconded by Sheryl Warner, that upon consideration of the charges stated against **BRENT DONOVAN MATHEWS** in the March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. MATHEWS** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MR. MATHEWS's** license to practice nursing as a registered nurse is **Reprimanded** and **Fined**.

**Within six (6) months of the effective date of this Order, MR. MATHEWS** shall pay the fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

**Within six (6) months of the effective date of this Order, MR. MATHEWS** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: two (2) hours of Ohio Nursing Law and Rules, five (5) hours of Professionalism, and five (5) hours of Ethics.

**Within six (6) months of the effective date of this Order, MR. MATHEWS** shall submit documentation of his successful completion of all terms of his Agreed Order entered into by and between **MR. MATHEWS** and the Texas Board of Nursing ("Texas Board") effective August 16, 2010.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Aubrey, Tiffany L., P.N. 112171 (CASE #13-0290)

**Action:** It was moved by Nancy Fellows, seconded by Lisa Klenke, that upon consideration of the charges stated against **TIFFANY LYNN AUBREY** in the March 22, 2013 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. AUBREY** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Automatic Suspension and Opportunity for Hearing, and the Ohio Board of Nursing **ORDERS** that **MS. AUBREY's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time but not less than one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MS. AUBREY's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years, with the **Permanent Practice Restrictions** set forth below.

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

1. **MS. AUBREY** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. AUBREY** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. AUBREY** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. AUBREY**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. AUBREY's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.

#### **Monitoring**

4. **MS. AUBREY** 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. AUBREY's** history. **MS. AUBREY** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MS. AUBREY** shall abstain completely from the use of alcohol or any products containing alcohol.
6. **Prior to requesting reinstatement by the Board, MS. AUBREY** shall, at her own expense, obtain a chemical dependency evaluation by a Board

- approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. AUBREY** shall provide the chemical dependency professional with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing. Further, **MS. AUBREY** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. AUBREY's** license, and a statement as to whether **MS. AUBREY** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MS. AUBREY** 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. AUBREY's** license.
  8. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. AUBREY** 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. AUBREY'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. AUBREY** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. AUBREY's** history.
  9. Within thirty (30) days prior to **MS. AUBREY** initiating drug screening, **MS. AUBREY** 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. AUBREY**.
  10. After initiating drug screening, **MS. AUBREY** 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. AUBREY** shall notify the Board of

any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.

11. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. AUBREY** 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. AUBREY** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
12. **Prior to requesting reinstatement by the Board, MS. AUBREY** shall, at her own expense, begin chemical dependency counseling at the Intensive Outpatient Level with a provider (IOP Provider) approved in advance by the Board or its designee. **MS. AUBREY** shall cause the IOP Provider to submit quarterly written reports to the Board regarding: (a) **MS. AUBREY's** current diagnosis; (b) **MS. AUBREY's** compliance with treatment recommendations/plans, including but not limited to appropriate use of prescribed medications; (c) all dates **MS. AUBREY** was seen in the three month period prior to the date of the report; and (d) any concerns regarding **MS. AUBREY's** ability to practice nursing in accordance with acceptable and prevailing standards of safe nursing care. Further, the Board may utilize the IOP Provider's recommendations during the course of treatment, and recommendations for continuing care, as a basis for additional terms, conditions, and limitations on **MS. AUBREY's** license.
13. At the first appointment following the effective date of this ORDER, **MS. AUBREY** shall provide the IOP Provider with a copy of this ORDER, the March 2013 Notice of Automatic Suspension and Opportunity for Hearing, the September 2012 Consent Agreement, the April 2012 Exam Order, and the July 2012 Exam Report from Dr. Whitney. In addition, **MS. AUBREY** shall execute releases to permit the program to obtain any information deemed appropriate and necessary for the treatment and evaluation of **MS. AUBREY**.

#### **Reporting Requirements of MS. AUBREY**

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

17. **MS. AUBREY** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
18. **MS. AUBREY** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
19. **MS. AUBREY** shall verify that the reports and documentation required by this Order are received in the Board office.
20. **MS. AUBREY** 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. AUBREY** submits a written request for reinstatement; (2) the Board determines that **MS. AUBREY** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. AUBREY** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. AUBREY** and review of the documentation specified in this Order.

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

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

### **Monitoring**

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

6. **MS. AUBREY** 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. AUBREY** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. AUBREY** 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. AUBREY** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. AUBREY** 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. AUBREY** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. AUBREY** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. AUBREY** shall **notify the Board, in writing.**
11. **MS. AUBREY** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. AUBREY** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. AUBREY** shall have her employer(s) send

documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. AUBREY**

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

### **Permanent Practice Restrictions**

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

**MS. AUBREY** 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. AUBREY's suspension shall be lifted and MS. AUBREY's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. AUBREY** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. AUBREY** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. AUBREY** 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. AUBREY** has complied with all aspects of this Order; and (2) the Board determines that **MS. AUBREY** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. AUBREY** and review of the reports as required herein. Any period during which **MS. AUBREY** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Graham, Maragene M., P.N. 102383 (CASE #12-4738)

**Action:** It was moved by Lisa Klenke, seconded by Tracy Ruegg, that upon consideration of the charges stated against **MARAGENE MARIE GRAHAM** in the March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. GRAHAM** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. GRAHAM's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time but not less than one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MS. GRAHAM's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary

terms, conditions, and limitations set forth below for a minimum period of two (2) years.

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

1. **MS. GRAHAM** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. GRAHAM** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. GRAHAM** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. GRAHAM**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. GRAHAM's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. GRAHAM** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: five (5) hours of Ethics.
5. **Prior to requesting reinstatement by the Board, MS. GRAHAM** shall submit documentation of her full compliance with the terms and conditions imposed by the Wood County Court of Common Pleas in Case Number 2009-CR-0298.

### **Monitoring**

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

7. **MS. GRAHAM** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the psychiatrist described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. GRAHAM's** license.
8. **Prior to requesting reinstatement by the Board, MS. GRAHAM** shall, at her own expense, obtain a comprehensive physical examination by a Board approved physician for the purposes of evaluating **MS. GRAHAM's** fitness for duty and safety to practice nursing as a licensed practical nurse. This Board approved physician shall provide the Board with complete documentation of **MS. GRAHAM's** comprehensive physical examination and with a comprehensive assessment regarding **MS. GRAHAM's** fitness for duty and safety to practice nursing as a licensed practical nurse. Prior to the examination, **MS. GRAHAM** shall provide the Board approved physician with a copy of this Order and the Notice of Opportunity for Hearing. Further, **MS. GRAHAM** shall execute releases to permit the Board approved physician performing the comprehensive physical examination and assessment to obtain any information deemed appropriate and necessary for the assessment. The evaluating physician shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. GRAHAM's** license to practice, and stating whether **MS. GRAHAM** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
9. The Board may utilize the Board approved physician's recommendations and conclusions from the comprehensive physician examination and assessment as a basis for additional terms, conditions, and limitations on **MS. GRAHAM's** license.

#### **Reporting Requirements of MS. GRAHAM**

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

14. **MS. GRAHAM** 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.
15. **MS. GRAHAM** shall verify that the reports and documentation required by this Order are received in the Board office.
16. **MS. GRAHAM** 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. GRAHAM** submits a written request for reinstatement; (2) the Board determines that **MS. GRAHAM** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. GRAHAM** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. GRAHAM** and review of the documentation specified in this Order.

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

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

### **Employment Conditions**

3. Prior to accepting employment as a nurse, each time with every employer, **MS. GRAHAM shall notify the Board, in writing.**
4. **MS. GRAHAM** 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 nursing employment.** **MS. GRAHAM** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. GRAHAM** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this

Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. GRAHAM**

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

### **FAILURE TO COMPLY**

**The stay of MS. GRAHAM's suspension shall be lifted and MS. GRAHAM's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. GRAHAM** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. GRAHAM** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. GRAHAM** 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. GRAHAM** has complied with all aspects of this Order; and (2) the Board determines that **MS. GRAHAM** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. GRAHAM** and review of the reports as required herein. Any period during which **MS. GRAHAM** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

McConnell, Kay, R.N. 360385, NA 11522 (CASE #13-0261)

**Action:** It was moved by Tracy Ruegg, seconded by Maryam Lyon, that upon consideration of the charges stated against **KAY MCCONNELL** in the March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. MCCONNELL** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. MCCONNELL's** license to practice nursing as a registered nurse and her certificate of authority to practice as a certified registered nurse anesthetist are hereby suspended for an indefinite period of time with the conditions for reinstatement set forth below.

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

1. **MS. MCCONNELL** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. MCCONNELL** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **Prior to requesting reinstatement by the Board, MS. MCCONNELL** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. MCCONNELL**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. MCCONNELL's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.

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

### **Monitoring**

5. **MS. MCCONNELL** 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. MCCONNELL's** history. **MS. MCCONNELL** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. MCCONNELL** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **Prior to requesting reinstatement by the Board, MS. MCCONNELL** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. MCCONNELL** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. MCCONNELL** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. MCCONNELL's** license, and a statement as to whether **MS. MCCONNELL** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. MCCONNELL** 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. MCCONNELL's** license.
9. **If recommended in the chemical dependency evaluation, and prior to requesting reinstatement, MS. MCCONNELL** 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. MCCONNELL'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. MCCONNELL** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. MCCONNELL's** history.
10. Within thirty (30) days prior to **MS. MCCONNELL** initiating drug screening, **MS. MCCONNELL** 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. MCCONNELL**.
  11. After initiating drug screening, **MS. MCCONNELL** 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. MCCONNELL** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  12. **If recommended in the chemical dependency evaluation, and prior to requesting reinstatement, MS. MCCONNELL** 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. MCCONNELL** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. MCCONNELL**

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

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

17. **MS. MCCONNELL** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
18. **MS. MCCONNELL** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. MCCONNELL** 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. MCCONNELL** submits a written request for reinstatement; (2) the Board determines that **MS. MCCONNELL** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. MCCONNELL** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. MCCONNELL** and review of the documentation specified in this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Rawnsley, Ann K., R.N. 221142 (CASE #10-4661)

**Action:** It was moved by Maryam Lyon, seconded by Roberta Stokes, that upon consideration of the charges stated against **ANN KATHERINE RAWNSLEY** in the July 27, 2012 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. RAWNSLEY** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. RAWNSLEY's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time but not less than two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. RAWNSLEY's** license to practice nursing as a registered nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years and the **Temporary Narcotic** and **Temporary Practice Restrictions** set forth below.

## **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. RAWNSLEY** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. RAWNSLEY** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **Prior to requesting reinstatement by the Board, MS. RAWNSLEY** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. RAWNSLEY**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. RAWNSLEY's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. RAWNSLEY** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: two (2) hours of Ohio Nursing Law and Rules, five (5) hours of Chemical Dependency, and five (5) hours of Substance Abuse.

### **Monitoring**

5. **MS. RAWNSLEY** 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. RAWNSLEY's** history. **MS. RAWNSLEY** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. RAWNSLEY** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **Prior to requesting reinstatement by the Board, MS. RAWNSLEY** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. RAWNSLEY** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. RAWNSLEY** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. RAWNSLEY's** license, and a

statement as to whether **MS. RAWNSLEY** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

8. **MS. RAWNSLEY** 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. RAWNSLEY's** license.
9. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. RAWNSLEY** 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. RAWNSLEY'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. RAWNSLEY** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. RAWNSLEY's** history.
10. Within thirty (30) days prior to **MS. RAWNSLEY** initiating drug screening, **MS. RAWNSLEY** 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. RAWNSLEY**.
11. After initiating drug screening, **MS. RAWNSLEY** 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. RAWNSLEY** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
12. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. RAWNSLEY** 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. RAWNSLEY** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

### **Reporting Requirements of MS. RAWNSLEY**

13. **MS. RAWNSLEY** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
14. **MS. RAWNSLEY** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
15. **MS. RAWNSLEY** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
16. **MS. RAWNSLEY** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
17. **MS. RAWNSLEY** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
18. **MS. RAWNSLEY** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. RAWNSLEY** 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. RAWNSLEY** submits a written request for reinstatement; (2) the Board determines that **MS. RAWNSLEY** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. RAWNSLEY** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. RAWNSLEY** and review of the documentation specified in this Order.

**Following reinstatement, the suspension shall be stayed and MS. RAWNSLEY's license shall be subject to the following probationary terms, conditions, and limitations for a minimum period of two (2) years.**

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

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

### **Monitoring**

3. **MS. RAWNSLEY** 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. RAWNSLEY's** history. **MS. RAWNSLEY** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. RAWNSLEY** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. RAWNSLEY** 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. RAWNSLEY** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. RAWNSLEY's** history.
6. **MS. RAWNSLEY** 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. RAWNSLEY** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

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

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

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. RAWNSLEY** shall **notify the Board, in writing.**
11. **MS. RAWNSLEY** 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 nursing employment.** **MS. RAWNSLEY** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. RAWNSLEY** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. RAWNSLEY**

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

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

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

#### **Temporary Narcotic Restriction**

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

#### **Temporary Practice Restrictions**

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

**MS. RAWNSLEY** 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. RAWNSLEY's suspension shall be lifted and MS. RAWNSLEY's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. RAWNSLEY** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. RAWNSLEY** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. RAWNSLEY** 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. RAWNSLEY** has complied with all aspects of this Order; and (2) the Board determines that **MS. RAWNSLEY** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. RAWNSLEY** and review of the reports as required herein. Any period during which **MS. RAWNSLEY** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Combs, Karen D., P.N. 096935 (CASE #12-4723)

**Action:** It was moved by Janet Arwood, seconded by Maryam Lyon, that upon consideration of the charges stated against **KAREN DENISE COMBS** in the November 16, 2012 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. COMBS** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice. The Ohio Board of Nursing ORDERS that **MS. COMBS's** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **KAREN DENISE COMBS** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #096935, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Haymaker, Monica S., P.N. 141782 (CASE #12-5838)

**Action:** It was moved by Roberta Stokes, seconded by Susan Morano, that upon consideration of the charges stated against **MONICA S. HAYMAKER** in the March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. HAYMAKER** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice. The Ohio Board of Nursing ORDERS that **MS. HAYMAKER's** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **MONICA S. HAYMAKER** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #141782, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Poland, Raejean, P.N. 106604 (CASE #12-3150)

**Action:** It was moved by Sheryl Warner, seconded by Janet Arwood, that upon consideration of the charges stated against **RAEJEAN POLAND** in the November 16, 2012 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. POLAND** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice. The Ohio Board of Nursing ORDERS that **MS. POLAND's** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **RAEJEAN POLAND** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #106604, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Riha, Laura A., P.N. 113188 (CASE #11-3464)

**Action:** It was moved by Susan Morano, seconded by Janet Arwood, that upon consideration of the charges stated against **LAURA ANN RIHA** in the March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. RIHA** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice. The Ohio Board of Nursing ORDERS that **MS. RIHA's** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **LAURA ANN RIHA** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #113188, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Ruggles, Deborah L., P.N. 120111 (CASE #12-1553)

**Action:** It was moved by J. Jane McFee, seconded by Nancy Fellows, that upon consideration of the charges stated against **DEBORAH LYNN RUGGLES** in the March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. RUGGLES** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. RUGGLES's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time but not less than two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. RUGGLES's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years, with the **Temporary Practice Restrictions** set forth below.

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

1. **MS. RUGGLES** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. RUGGLES** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. RUGGLES** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. RUGGLES**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. RUGGLES's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. RUGGLES** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: one (1) hour of Ohio Nursing Law and Rules and five (5) hours of Ethics.

#### **Educational Needs Assessment and Learning Plan**

5. **Prior to requesting reinstatement by the Board, MS. RUGGLES** shall establish contact with a nursing educator approved by the Board who has no less than a master's degree and who is affiliated with a nursing educational program and **MS. RUGGLES** shall have the educator provide the Board with a written report of an assessment of **MS. RUGGLES**, which

identifies **MS. RUGGLES's** knowledge/practice deficiencies and remedial educational needs. Prior to the assessment, **MS. RUGGLES** shall provide the nursing educator with a copy of this Order and the Notice of Opportunity for Hearing and shall submit to any nursing skills or knowledge assessments required by the educator. **MS. RUGGLES** 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. RUGGLES's** employer(s), former employers, and Board staff. Following the assessment, **MS. RUGGLES** shall have the educator provide the Board with a copy of a learning plan developed by the educator for **MS. RUGGLES** and shall obtain approval of the learning plan by the Board or its designee. The learning plan shall identify specific remediation that **MS. RUGGLES** 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. RUGGLES** shall complete such learning plan. **Prior to requesting reinstatement by the Board, MS. RUGGLES** 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. RUGGLES** has successfully completed the learning plan and prior to requesting reinstatement by the Board, the educator shall provide the Board with an assessment and any recommendations for additional remedial education and/or restrictions that should be placed on **MS. RUGGLES's** license to practice. Furthermore, the educator shall provide to the Board a written opinion stating whether **MS. RUGGLES** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care. **MS. RUGGLES** shall be responsible for all costs associated with meeting this requirement.

6. The Board may utilize the educator's recommendations and conclusions from the assessment as a basis for additional terms, conditions, and limitations on **MS. RUGGLES's** license.
7. In the event that the educator's recommendations require **MS. RUGGLES** to have an active nursing license, the Board, prior to reinstatement of her license, may issue **MS. RUGGLES** a license to practice nursing as a licensed practical nurse that is restricted to the limited use and sole purpose of completing the educator's recommendations. For all other uses and purposes, **MS. RUGGLES's** license shall remain suspended. Upon successful completion of the educator's recommendations and upon written notification to the Board or its designee, the limitations on **MS. RUGGLES's** license shall be terminated. **MS. RUGGLES** shall not gain or attempt to gain employment as a licensed practical nurse in the State of Ohio until she has completed the requirements and conditions for reinstatement, set forth in this Order, and the Board has reinstated her license.

## Monitoring

8. **MS. RUGGLES** 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. RUGGLES's** history. **MS. RUGGLES** shall self-administer the prescribed drugs only in the manner prescribed.
9. **MS. RUGGLES** shall abstain completely from the use of alcohol or any products containing alcohol.
10. **Prior to requesting reinstatement by the Board, MS. RUGGLES** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. RUGGLES** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. RUGGLES** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. RUGGLES's** license, and a statement as to whether **MS. RUGGLES** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
11. **MS. RUGGLES** 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. RUGGLES's** license.
12. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. RUGGLES** 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. RUGGLES'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. RUGGLES** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. RUGGLES's** history.

13. Within thirty (30) days prior to **MS. RUGGLES** initiating drug screening, **MS. RUGGLES** 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. RUGGLES**.
14. After initiating drug screening, **MS. RUGGLES** 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. RUGGLES** 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.
15. For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, **MS. RUGGLES** 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. RUGGLES** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. RUGGLES**

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

21. **MS. RUGGLES** shall verify that the reports and documentation required by this Order are received in the Board office.
22. **MS. RUGGLES** 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. RUGGLES** submits a written request for reinstatement; (2) the Board determines that **MS. RUGGLES** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. RUGGLES** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. RUGGLES** and review of the documentation specified in this Order.

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

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

### **Monitoring**

3. **MS. RUGGLES** 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. RUGGLES's** history. **MS. RUGGLES** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. RUGGLES** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. RUGGLES** 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. RUGGLES** shall be negative, except for substances

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

6. **MS. RUGGLES** 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. RUGGLES** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. RUGGLES** 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. RUGGLES** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. RUGGLES** 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. RUGGLES** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. RUGGLES** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. RUGGLES** shall **notify the Board, in writing.**
11. **MS. RUGGLES** 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 nursing employment.** **MS. RUGGLES** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. RUGGLES** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. RUGGLES**

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

### **Temporary Practice Restrictions**

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

**MS. RUGGLES** 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. RUGGLES's suspension shall be lifted and MS. RUGGLES's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. RUGGLES** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. RUGGLES** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. RUGGLES** 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. RUGGLES** has complied with all aspects of this Order; and (2) the Board determines that **MS. RUGGLES** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. RUGGLES** and review of the reports as required herein. Any period during which **MS. RUGGLES** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Taubennestler, Jean I., R.N. 333795 (CASE #11-3069)

**Action:** It was moved by Nancy Fellows, seconded by Lisa Klenke, that upon consideration of the charges stated against **JEAN I. TAUBENNESTLER** in the January 25, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. TAUBENNESTLER** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. TAUBENNESTLER's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time but not less than two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. TAUBENNESTLER's** license to practice nursing as a registered nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years and the **Temporary Narcotic** and **Permanent Practice Restrictions** set forth below.

## **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. TAUBENNESTLER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. TAUBENNESTLER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **Prior to requesting reinstatement by the Board, MS. TAUBENNESTLER** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. TAUBENNESTLER**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. TAUBENNESTLER's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. TAUBENNESTLER** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: two (2) hours of Ohio Nursing Law and Rules, five (5) hours of Chemical Dependency, and five (5) hours of Substance Abuse.

### **Educational Needs Assessment and Learning Plan**

5. **Prior to requesting reinstatement by the Board, MS. TAUBENNESTLER** shall establish contact with a nursing educator approved by the Board who has no less than a master's degree and who is affiliated with a nursing educational program and **MS. TAUBENNESTLER** shall have the educator provide the Board with a written report of an assessment of **MS. TAUBENNESTLER**, which identifies **MS. TAUBENNESTLER's** knowledge/practice deficiencies and remedial educational needs. Prior to the assessment, **MS. TAUBENNESTLER** shall provide the nursing educator with a copy of this Order and the Notice of Opportunity for Hearing and shall submit to any nursing skills or knowledge assessments required by the educator. **MS. TAUBENNESTLER** 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. TAUBENNESTLER's** employer(s), former employers, and Board staff. Following the assessment, **MS. TAUBENNESTLER** shall have the educator provide the Board with a copy of a learning plan developed by the educator for **MS. TAUBENNESTLER** and shall obtain approval of the learning plan by the Board or its designee. The learning plan shall identify specific remediation that **MS. TAUBENNESTLER** 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. TAUBENNESTLER** shall complete such learning plan. **Prior to requesting reinstatement by the Board, MS. TAUBENNESTLER** 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. TAUBENNESTLER** has successfully completed the learning plan and prior to requesting reinstatement by the Board, the educator shall provide the Board with an assessment and any recommendations for additional remedial education and/or restrictions that should be placed on **MS. TAUBENNESTLER's** license to practice. Furthermore, the educator shall provide to the Board a written opinion stating whether **MS. TAUBENNESTLER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care. **MS. TAUBENNESTLER** shall be responsible for all costs associated with meeting this requirement.

6. The Board may utilize the educator's recommendations and conclusions from the assessment as a basis for additional terms, conditions, and limitations on **MS. TAUBENNESTLER's** license.
7. In the event that the educator's recommendations require **MS. TAUBENNESTLER** to have an active nursing license, the Board, prior to reinstatement of her license, may issue **MS. TAUBENNESTLER** a license to practice nursing as a registered nurse that is restricted to the limited use and sole purpose of completing the educator's recommendations. For all other uses and purposes, **MS. TAUBENNESTLER's** license shall remain suspended. Upon successful completion of the educator's recommendations and upon written notification to the Board or its designee, the limitations on **MS. TAUBENNESTLER's** license shall be terminated. **MS. TAUBENNESTLER** shall not gain or attempt to gain employment as a registered nurse in the State of Ohio until she has completed the requirements and conditions for reinstatement, set forth in this Order, and the Board has reinstated her license.

### **Monitoring**

8. **MS. TAUBENNESTLER** 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. TAUBENNESTLER's** history. **MS. TAUBENNESTLER** shall self-administer the prescribed drugs only in the manner prescribed.
9. **MS. TAUBENNESTLER** shall abstain completely from the use of alcohol or any products containing alcohol.
10. **Prior to requesting reinstatement by the Board, MS. TAUBENNESTLER** shall, at her own expense, obtain a chemical

- dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. TAUBENNESTLER** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. TAUBENNESTLER** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. TAUBENNESTLER's** license, and a statement as to whether **MS. TAUBENNESTLER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
11. **MS. TAUBENNESTLER** 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. TAUBENNESTLER's** license.
  12. **For a minimum, continuous period of two (2) years immediately prior to requesting reinstatement, MS. TAUBENNESTLER** 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. TAUBENNESTLER'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. TAUBENNESTLER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. TAUBENNESTLER's** history.
  13. Within thirty (30) days prior to **MS. TAUBENNESTLER** initiating drug screening, **MS. TAUBENNESTLER** 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. TAUBENNESTLER**.
  14. After initiating drug screening, **MS. TAUBENNESTLER** 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. TAUBENNESTLER** 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.

15. **For a minimum, continuous period of two (2) years immediately prior to requesting reinstatement, MS. TAUBENNESTLER** 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. TAUBENNESTLER** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

### **Reporting Requirements of MS. TAUBENNESTLER**

16. **MS. TAUBENNESTLER** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
17. **MS. TAUBENNESTLER** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
18. **MS. TAUBENNESTLER** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
19. **MS. TAUBENNESTLER** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
20. **MS. TAUBENNESTLER** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
21. **MS. TAUBENNESTLER** shall verify that the reports and documentation required by this Order are received in the Board office.
22. **MS. TAUBENNESTLER** 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. TAUBENNESTLER** submits a written request for reinstatement; (2) the Board determines that **MS. TAUBENNESTLER** has complied with all conditions of

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

**Following reinstatement, the suspension shall be stayed and MS. TAUBENNESTLER's license shall be subject to the following probationary terms, conditions, and limitations for a minimum period of two (2) years.**

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

### **Monitoring**

3. **MS. TAUBENNESTLER** 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. TAUBENNESTLER's** history. **MS. TAUBENNESTLER** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. TAUBENNESTLER** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. TAUBENNESTLER** 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. TAUBENNESTLER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. TAUBENNESTLER's** history.
6. **MS. TAUBENNESTLER** 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. TAUBENNESTLER** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. TAUBENNESTLER** 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. TAUBENNESTLER** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. TAUBENNESTLER** 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. TAUBENNESTLER** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. TAUBENNESTLER** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. TAUBENNESTLER** shall **notify the Board, in writing.**
11. **MS. TAUBENNESTLER** 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 nursing employment.** **MS. TAUBENNESTLER** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. TAUBENNESTLER** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. TAUBENNESTLER**

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

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

#### Temporary Narcotic Restriction

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

#### Permanent Practice Restrictions

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

**MS. TAUBENNESTLER** 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. TAUBENNESTLER's suspension shall be lifted and MS. TAUBENNESTLER's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. TAUBENNESTLER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. TAUBENNESTLER** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. TAUBENNESTLER** 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. TAUBENNESTLER** has complied with all aspects of this Order; and (2) the Board determines that **MS. TAUBENNESTLER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. TAUBENNESTLER** and review of the reports as required herein. Any period during which **MS. TAUBENNESTLER** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Disalvio, Cindy J., R.N. 230188 (CASE #12-5631)

**Action:** It was moved by Lisa Klenke, seconded by Nancy Fellows, that upon consideration of the charges stated against **CINDY JO HESS DISALVIO** in the March 22, 2013 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. DISALVIO** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Automatic Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. DISALVIO's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time but not less than three (3) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. DISALVIO's** license to practice nursing as a registered nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the **Permanent Narcotic and Permanent Practice Restrictions** set forth below.

## **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. DISALVIO** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. DISALVIO** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **Prior to requesting reinstatement by the Board, MS. DISALVIO** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. DISALVIO**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. DISALVIO's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. DISALVIO** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: two (2) hours of Ohio Nursing Law and Rules, five (5) hours of Documentation, five (5) hours of Medication Administration, and five (5) hours of Substance Abuse.

### **Monitoring**

5. **MS. DISALVIO** 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. DISALVIO's** history. **MS. DISALVIO** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. DISALVIO** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **Prior to requesting reinstatement by the Board, MS. DISALVIO** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. DISALVIO** shall provide the chemical dependency professional with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing. Further, **MS. DISALVIO** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional

- restrictions that should be placed on **MS. DISALVIO's** license, and a statement as to whether **MS. DISALVIO** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. DISALVIO** 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. DISALVIO's** license.
  9. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. DISALVIO** 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. DISALVIO'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. DISALVIO** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. DISALVIO's** history.
  10. Within thirty (30) days prior to **MS. DISALVIO** initiating drug screening, **MS. DISALVIO** 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. DISALVIO**.
  11. After initiating drug screening, **MS. DISALVIO** 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. DISALVIO** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  12. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. DISALVIO** 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. DISALVIO** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

13. **Prior to requesting reinstatement by the Board, and upon the request of the Board or its designee, MS. DISALVIO** shall, at her own expense, obtain a comprehensive physical examination by a Board approved physician for the purposes of evaluating **MS. DISALVIO's** fitness for duty and safety to practice nursing as a registered nurse. This Board approved physician shall provide the Board with complete documentation of **MS. DISALVIO's** comprehensive physical examination and with a comprehensive assessment regarding **MS. DISALVIO's** fitness for duty and safety to practice nursing as a registered nurse. Prior to the examination, **MS. DISALVIO** shall provide the Board approved physician with a copy of this Order and the Notice of Automatic Suspension and Opportunity for Hearing. Further, **MS. DISALVIO** shall execute releases to permit the Board approved physician performing the comprehensive physical examination and assessment to obtain any information deemed appropriate and necessary for the assessment. The evaluating physician shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. DISALVIO's** license to practice, and stating whether **MS. DISALVIO** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
14. The Board may utilize the Board approved physician's recommendations and conclusions from the comprehensive physician examination and assessment as a basis for additional terms, conditions, and limitations on **MS. DISALVIO's** license.

#### **Reporting Requirements of MS. DISALVIO**

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

19. **MS. DISALVIO** 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.
20. **MS. DISALVIO** shall verify that the reports and documentation required by this Order are received in the Board office.
21. **MS. DISALVIO** 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. DISALVIO** submits a written request for reinstatement; (2) the Board determines that **MS. DISALVIO** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. DISALVIO** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. DISALVIO** and review of the documentation specified in this Order.

**Following reinstatement, the suspension shall be stayed and MS. DISALVIO's license shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

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

### **Monitoring**

3. **MS. DISALVIO** 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. DISALVIO's** history. **MS. DISALVIO** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. DISALVIO** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. DISALVIO** 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. DISALVIO** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. DISALVIO's** history.
6. **MS. DISALVIO** 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. DISALVIO** shall provide satisfactory documentation of such attendance to the Board every six (6) months.
  7. **Upon the request of the Board or its designee, MS. DISALVIO** shall, at her own expense, obtain a comprehensive physical examination by a Board approved physician for the purposes of evaluating **MS. DISALVIO's** fitness for duty and safety to practice nursing as a registered nurse. This Board approved physician shall provide the Board with complete documentation of **MS. DISALVIO's** comprehensive physical examination and with a comprehensive assessment regarding **MS. DISALVIO's** fitness for duty and safety to practice nursing as a registered nurse. Prior to the examination, **MS. DISALVIO** shall provide the Board approved physician with a copy of this Order and the Notice of Automatic Suspension and Opportunity for Hearing. Further, **MS. DISALVIO** shall execute releases to permit the Board approved physician performing the comprehensive physical examination and assessment to obtain any information deemed appropriate and necessary for the assessment. The evaluating physician shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. DISALVIO's** license to practice, and stating whether **MS. DISALVIO** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
  8. The Board may utilize the Board approved physician's recommendations and conclusions from the comprehensive physician examination and assessment as a basis for additional terms, conditions, and limitations on **MS. DISALVIO's** license.

### **Treating Practitioners and Reporting**

9. Within sixty (60) days of the execution of the probationary period, **MS. DISALVIO** 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. DISALVIO** 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.

10. **MS. DISALVIO** 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. DISALVIO** throughout the duration of this Order.
11. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. DISALVIO** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

12. Prior to accepting employment as a nurse, each time with every employer, **MS. DISALVIO** shall **notify the Board, in writing**.
13. **MS. DISALVIO** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment**. **MS. DISALVIO** 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 **beginning within thirty (30) days of accepting nursing employment**. **MS. DISALVIO** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. DISALVIO**

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

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

#### **Permanent Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

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

the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. DISALVIO** 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. DISALVIO** has complied with all aspects of this Order; and (2) the Board determines that **MS. DISALVIO** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. DISALVIO** and review of the reports as required herein. Any period during which **MS. DISALVIO** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Eloshway, Amy C., P.N. 113135 (CASE #12-7320)

**Action:** It was moved by Tracy Ruegg, seconded by Maryam Lyon, that upon consideration of the charges stated against **AMY CATHERINE ELOSHWAY** in the March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. ELOSHWAY** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. ELOSHWAY's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time but not less than three (3) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. ELOSHWAY's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years, with **Permanent Narcotic** and **Permanent Practice Restrictions** set forth below.

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

1. **MS. ELOSHWAY** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. ELOSHWAY** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. ELOSHWAY** shall submit a request to the Bureau of Criminal Identification and Investigation

(BCII) to conduct a criminal records check of **MS. ELOSHWAY**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. ELOSHWAY's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.

### **Monitoring**

4. **MS. ELOSHWAY** 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. ELOSHWAY's** history. **MS. ELOSHWAY** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MS. ELOSHWAY** shall abstain completely from the use of alcohol or any products containing alcohol.
6. **Prior to requesting reinstatement by the Board, MS. ELOSHWAY** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. ELOSHWAY** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. ELOSHWAY** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. ELOSHWAY's** license, and a statement as to whether **MS. ELOSHWAY** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MS. ELOSHWAY** 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. ELOSHWAY's** license.
8. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. ELOSHWAY** 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. ELOSHWAY'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. ELOSHWAY** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. ELOSHWAY's** history.
9. Within thirty (30) days prior to **MS. ELOSHWAY** initiating drug screening, **MS. ELOSHWAY** 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. ELOSHWAY**.
  10. After initiating drug screening, **MS. ELOSHWAY** 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. ELOSHWAY** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  11. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. ELOSHWAY** 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. ELOSHWAY** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
  12. **Prior to requesting reinstatement by the Board, MS. ELOSHWAY** shall, at her own expense, obtain a psychiatric evaluation from a Board approved psychiatrist and shall provide the Board with complete documentation of such evaluation. Prior to the evaluation, **MS. ELOSHWAY** shall provide the psychiatrist with a copy of this Order and Notice of Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. ELOSHWAY's** license, and a statement as to whether **MS. ELOSHWAY** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
  13. **MS. ELOSHWAY** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the psychiatrist described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation

as a basis for additional terms, conditions, and limitations on **MS. ELOSHWAY's** license.

14. **Prior to requesting reinstatement by the Board, MS. ELOSHWAY** shall, at her own expense, obtain a comprehensive physical examination by a Board approved physician for the purposes of evaluating **MS. ELOSHWAY's** fitness for duty and safety to practice nursing as a licensed practical nurse. This Board approved physician shall provide the Board with complete documentation of **MS. ELOSHWAY's** comprehensive physical examination and with a comprehensive assessment regarding **MS. ELOSHWAY's** fitness for duty and safety to practice nursing as a licensed practical nurse. Prior to the examination, **MS. ELOSHWAY** shall provide the Board approved physician with a copy of this Order and the Notice of Opportunity for Hearing. Further, **MS. ELOSHWAY** shall execute releases to permit the Board approved physician performing the comprehensive physical examination and assessment to obtain any information deemed appropriate and necessary for the assessment. The evaluating physician shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. ELOSHWAY's** license to practice, and stating whether **MS. ELOSHWAY** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
15. The Board may utilize the Board approved physician's recommendations and conclusions from the comprehensive physician examination and assessment as a basis for additional terms, conditions, and limitations on **MS. ELOSHWAY's** license.

#### **Reporting Requirements of MS. ELOSHWAY**

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

20. **MS. ELOSHWAY** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
21. **MS. ELOSHWAY** shall verify that the reports and documentation required by this Order are received in the Board office.
22. **MS. ELOSHWAY** 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. ELOSHWAY** submits a written request for reinstatement; (2) the Board determines that **MS. ELOSHWAY** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. ELOSHWAY** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. ELOSHWAY** and review of the documentation specified in this Order.

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

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

### **Monitoring**

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

6. **MS. ELOSHWAY** 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. ELOSHWAY** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. ELOSHWAY** 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. ELOSHWAY** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. ELOSHWAY** 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. ELOSHWAY** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. ELOSHWAY** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. ELOSHWAY** shall **notify the Board, in writing.**
11. **MS. ELOSHWAY** 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 nursing employment.** **MS. ELOSHWAY** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. ELOSHWAY** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. ELOSHWAY**

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

### **Permanent Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

**MS. ELOSHWAY** 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. ELOSHWAY's suspension shall be lifted and MS. ELOSHWAY's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. ELOSHWAY** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. ELOSHWAY** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. ELOSHWAY** 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. ELOSHWAY** has complied with all aspects of this Order; and (2) the Board determines that **MS. ELOSHWAY** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. ELOSHWAY** and review of the reports as required herein. Any period during which **MS. ELOSHWAY** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Reynolds, Cheryl J., R.N. 269433 (CASE #10-1222)

**Action:** It was moved by Maryam Lyon, seconded by Susan Morano, that upon consideration of the charges stated against **CHERYL JEAN REYNOLDS** in the

November 16, 2012 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. REYNOLDS** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. REYNOLDS's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time but not less than two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. REYNOLDS's** license to practice nursing as a registered nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years and the **Permanent Narcotic** and **Permanent Practice Restrictions** set forth below.

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

1. **MS. REYNOLDS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. REYNOLDS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **Prior to requesting reinstatement by the Board, MS. REYNOLDS** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. REYNOLDS**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. REYNOLDS's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.

### **Monitoring**

4. **MS. REYNOLDS** 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. REYNOLDS's** history. **MS. REYNOLDS** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MS. REYNOLDS** shall abstain completely from the use of alcohol or any products containing alcohol.
6. **Prior to requesting reinstatement by the Board, MS. REYNOLDS** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. REYNOLDS** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. REYNOLDS** shall execute releases to permit the chemical dependency

- professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. REYNOLDS's** license, and a statement as to whether **MS. REYNOLDS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MS. REYNOLDS** 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. REYNOLDS's** license.
  8. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. REYNOLDS** 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. REYNOLDS'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. REYNOLDS** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. REYNOLDS's** history.
  9. Within thirty (30) days prior to **MS. REYNOLDS** initiating drug screening, **MS. REYNOLDS** 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. REYNOLDS**.
  10. After initiating drug screening, **MS. REYNOLDS** 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. REYNOLDS** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  11. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. REYNOLDS** 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. REYNOLDS** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

### **Reporting Requirements of MS. REYNOLDS**

12. **MS. REYNOLDS** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
13. **MS. REYNOLDS** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MS. REYNOLDS** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. REYNOLDS** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MS. REYNOLDS** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MS. REYNOLDS** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. REYNOLDS** 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. REYNOLDS** submits a written request for reinstatement; (2) the Board determines that **MS. REYNOLDS** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. REYNOLDS** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. REYNOLDS** and review of the documentation specified in this Order.

**Following reinstatement, the suspension shall be stayed and MS. REYNOLDS's license shall be subject to the following probationary terms, conditions, and limitations for a minimum period of two (2) years.**

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

### **Monitoring**

3. **MS. REYNOLDS** 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. REYNOLDS's** history. **MS. REYNOLDS** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. REYNOLDS** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. REYNOLDS** 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. REYNOLDS** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. REYNOLDS's** history.
6. **MS. REYNOLDS** 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. REYNOLDS** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

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

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

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. REYNOLDS** shall **notify the Board, in writing**.
11. **MS. REYNOLDS** 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 nursing employment**. **MS. REYNOLDS** 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 **beginning within thirty (30) days of accepting nursing employment**. **MS. REYNOLDS** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. REYNOLDS**

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

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

#### **Permanent Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

**MS. REYNOLDS** 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. REYNOLDS's** suspension shall be lifted and **MS. REYNOLDS's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. REYNOLDS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. REYNOLDS** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. REYNOLDS** 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. REYNOLDS** has complied with all aspects of this Order; and (2) the Board determines that **MS. REYNOLDS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. REYNOLDS** and review of the reports as required herein. Any period during which **MS. REYNOLDS** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Soehnlen, Jessica L., P.N. 130187 (CASE #12-7258)

**Action:** It was moved by Janet Arwood, seconded by Roberta Stokes, that upon consideration of the charges stated against **JESSICA L. SOEHNLEN** in the March 22, 2013 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. SOEHNLEN** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Automatic Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. SOEHNLEN's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time but not less than one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MS. SOEHNLEN's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years, with **Temporary Narcotic** and **Permanent Practice Restrictions** set forth below.

## **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. SOEHNLEN** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. SOEHNLEN** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. SOEHNLEN** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. SOEHNLEN**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause

BCII to submit **MS. SOEHNLEN's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.

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

### Monitoring

5. **MS. SOEHNLEN** 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. SOEHNLEN's** history. **MS. SOEHNLEN** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. SOEHNLEN** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **Prior to requesting reinstatement by the Board, MS. SOEHNLEN** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. SOEHNLEN** shall provide the chemical dependency professional with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing. Further, **MS. SOEHNLEN** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. SOEHNLEN's** license, and a statement as to whether **MS. SOEHNLEN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. SOEHNLEN** 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. SOEHNLEN's** license.
9. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. SOEHNLEN** 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. SOEHNLEN'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. SOEHNLEN** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SOEHNLEN's** history.
10. Within thirty (30) days prior to **MS. SOEHNLEN** initiating drug screening, **MS. SOEHNLEN** 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. SOEHNLEN**.
  11. After initiating drug screening, **MS. SOEHNLEN** 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. SOEHNLEN** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  12. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. SOEHNLEN** 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. SOEHNLEN** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
  13. **Prior to requesting reinstatement by the Board, and upon the request of the Board or its designee, MS. SOEHNLEN** shall, at her own expense, obtain a psychiatric evaluation from a Board approved psychiatrist and shall provide the Board with complete documentation of such evaluation. Prior to the evaluation, **MS. SOEHNLEN** shall provide the psychiatrist with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. SOEHNLEN's** license, and a statement as to whether **MS.**

**SOEHNLEN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

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

#### **Reporting Requirements of MS. SOEHNLEN**

15. **MS. SOEHNLEN** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
16. **MS. SOEHNLEN** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
17. **MS. SOEHNLEN** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
18. **MS. SOEHNLEN** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
19. **MS. SOEHNLEN** 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.
20. **MS. SOEHNLEN** shall verify that the reports and documentation required by this Order are received in the Board office.
21. **MS. SOEHNLEN** 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. SOEHNLEN** submits a written request for reinstatement; (2) the Board determines that **MS. SOEHNLEN** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. SOEHNLEN** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. SOEHNLEN** and review of the documentation specified in this Order.

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

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

### **Monitoring**

3. **MS. SOEHNLEN** 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. SOEHNLEN's** history. **MS. SOEHNLEN** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. SOEHNLEN** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. SOEHNLEN** 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. SOEHNLEN** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SOEHNLEN's** history.
6. **MS. SOEHNLEN** 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. SOEHNLEN** shall provide satisfactory documentation of such attendance to the Board every six (6) months.
7. **Upon the request of the Board or its designee, MS. SOEHNLEN** shall, at her own expense, obtain a psychiatric evaluation from a Board approved psychiatrist and shall provide the Board with complete documentation of such evaluation. Prior to the evaluation, **MS. SOEHNLEN** shall provide the psychiatrist with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist

- shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. SOEHNLEN's** license, and a statement as to whether **MS. SOEHNLEN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. SOEHNLEN** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the psychiatrist described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. SOEHNLEN's** license.

### **Treating Practitioners and Reporting**

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

### **Employment Conditions**

12. Prior to accepting employment as a nurse, each time with every employer, **MS. SOEHNLEN** shall **notify the Board, in writing.**
13. **MS. SOEHNLEN** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. SOEHNLEN** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. SOEHNLEN** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic

Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. SOEHNLEN**

14. **MS. SOEHNLEN** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
15. **MS. SOEHNLEN** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
16. **MS. SOEHNLEN** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
17. **MS. SOEHNLEN** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
18. **MS. SOEHNLEN** 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.
19. **MS. SOEHNLEN** shall verify that the reports and documentation required by this Order are received in the Board office.
20. **MS. SOEHNLEN** 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.
21. Prior to working as a nurse, if requested by the Board or its designee, **MS. SOEHNLEN** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

### **Temporary Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

**MS. SOEHNLEN** 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. SOEHNLEN's suspension shall be lifted and MS. SOEHNLEN's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. SOEHNLEN** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. SOEHNLEN** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. SOEHNLEN** 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. SOEHNLEN** has complied with all aspects of this Order; and (2) the Board determines that **MS. SOEHNLEN** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. SOEHNLEN** and review of the reports as required herein. Any period during which **MS. SOEHNLEN** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Harper, Carol L., P.N. 098946 (CASE #12-5243)

**Action:** It was moved by Roberta Stokes, seconded by Sheryl Warner, that upon consideration of the charges stated against **CAROL LEE HARPER** in the

March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. HARPER** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MS. HARPER's** license to practice nursing as a licensed practical nurse is hereby suspended and that the suspension is stayed subject to the probationary terms, conditions, and limitations for a minimum period of two (2) years with **Temporary Narcotic** and **Permanent Practice Restrictions** set forth below.

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

1. **MS. HARPER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HARPER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **Within six (6) months of the effective date of this Order, MS. HARPER** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. HARPER**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. HARPER's** criminal records check reports to the Board.
4. **Within six (6) months of the effective date of this Order, MS. HARPER** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: six (6) hours of Critical Thinking and six (6) hours of Boundary Issues.

### **Monitoring**

5. **Within six (6) months of the effective date of this Order, MS. HARPER** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. HARPER** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. HARPER** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. HARPER's** license, and a

- statement as to whether **MS. HARPER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care
6. **MS. HARPER** 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. HARPER** license.
  7. **MS. HARPER** 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. HARPER's** history. **MS. HARPER** shall self-administer prescribed drugs only in the manner prescribed.
  8. **MS. HARPER** shall abstain completely from the use of alcohol or any products containing alcohol.
  9. **Within forty-five (45) days of the effective date of this Order**, and throughout the first year of the probationary period, **MS. HARPER** shall begin submitting, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. HARPER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HARPER's** history.
  10. **Within forty-five (45) days of the effective date of this Order**, and throughout the first year of the probationary period, **MS. HARPER** 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. HARPER** shall provide satisfactory documentation of such attendance to the Board every six (6) months, beginning forty-five (45) days after the effective date of this Order.

### **Treating Practitioners and Reporting**

11. Prior to initiating screens, **MS. HARPER** 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. HARPER** 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.
12. **MS. HARPER** 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. HARPER** throughout the duration of this Order.
  13. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. HARPER** shall notify the Board of any and all medication(s) or prescription(s) received.
  14. Upon the request of the Board or its designee, **MS. HARPER** shall, at her own expense, obtain a comprehensive physical examination by a Board approved physician for the purposes of evaluating **MS. HARPER's** fitness for duty and safety to practice nursing as a licensed practical nurse. This Board approved physician shall provide the Board with complete documentation of **MS. HARPER's** comprehensive physical examination and with a comprehensive assessment regarding **MS. HARPER's** fitness for duty and safety to practice nursing as a licensed practical nurse. Prior to the examination, **MS. HARPER** shall provide the Board approved physician with a copy of this Order and the Notice of Opportunity for Hearing. Further, **MS. HARPER** shall execute releases to permit the Board approved physician performing the comprehensive physical examination and assessment to obtain any information deemed appropriate and necessary for the assessment. The evaluating physician shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. HARPER's** license to practice, and stating whether **MS. HARPER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
  15. The Board may utilize the Board approved physician's recommendations and conclusions from the comprehensive physician examination and assessment as a basis for additional terms, conditions, and limitations on **MS. HARPER's** license.

### **Employment Conditions**

16. **MS. HARPER** shall notify the Board, in writing, of the name and address of any current employer **within thirty (30) days following the effective date of this Order**, or any new employer prior to accepting nursing employment.
17. **MS. HARPER**, **within fifteen (15) days of the effective date of this Order**, if working in a position in which a nursing license is required, shall provide her employer(s) with a copy of this Order and the Notice of

Opportunity for Hearing. Further, **MS. HARPER** 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 nursing employment.** **MS. HARPER** 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 beginning within thirty (30) days of the effective date of this Order or beginning within thirty (30) days of working in a nursing position.** **MS. HARPER** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

18. Prior to working as a nurse, if requested by the Board or its designee, **MS. HARPER** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

#### **Reporting Requirements of MS. HARPER**

19. **MS. HARPER** shall sign release of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
20. **MS. HARPER** 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.
21. **MS. HARPER** 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.
22. **MS. HARPER** 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.
23. **MS. HARPER** 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.
24. **MS. HARPER** shall verify that the reports and documentation required by this Order are received in the Board office.
25. **MS. HARPER** 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.

### **Temporary Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

**MS. HARPER** 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. HARPER's suspension shall be lifted and MS. HARPER's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. HARPER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. HARPER** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. HARPER** 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. HARPER** has complied with all aspects of this Order; and (2) the Board determines that **MS. HARPER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. HARPER** and review of the reports as required herein. Any period during which **MS. HARPER** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Kroeger, Scott, P.N. 120732 (CASE #12-0676)

**Action:** It was moved by Sheryl Warner, seconded by Susan Morano, that upon consideration of the charges stated against **SCOTT KROEGER** in the May 18, 2012 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. KROEGER** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Automatic Suspension and Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MR. KROEGER'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **SCOTT KROEGER** to surrender his frameable wall certificate for his licensed practical nurse license P.N. #120732, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Smith, Leigh A., P.N. 109451 (CASE #12-0574)

**Action:** It was moved by Susan Morano, seconded by Nancy Fellows, that upon consideration of the charges stated against **LEIGH ANNE SMITH** in the March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. SMITH** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MS. SMITH's** license to practice nursing as a licensed practical nurse is hereby suspended and that the suspension is stayed subject to the probationary terms, conditions, and limitations for a minimum period of two (2) years with **Temporary Narcotic** and **Temporary Practice Restrictions** set forth below.

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

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

3. **Within six (6) months of the effective date of this Order, MS. SMITH** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. SMITH**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. SMITH's** criminal records check reports to the Board.

### **Monitoring**

4. **Within six (6) months of the effective date of this Order, MS. SMITH** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. SMITH** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. SMITH** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. SMITH's** license, and a statement as to whether **MS. SMITH** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care
5. If a chemical dependency evaluation is requested, **MS. SMITH** 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. SMITH** license.
6. **MS. SMITH** 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. SMITH's** history. **MS. SMITH** shall self-administer prescribed drugs only in the manner prescribed.
7. **MS. SMITH** shall abstain completely from the use of alcohol or any products containing alcohol.
8. **Within forty-five (45) days of the effective date of this Order**, during the probationary period, **MS. SMITH** shall begin submitting, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a

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

9. **MS. SMITH** 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. SMITH** shall provide satisfactory documentation of such attendance to the Board every six (6) months, beginning forty-five (45) days after the effective date of this Order.

### **Treating Practitioners and Reporting**

10. Prior to initiating screens, **MS. SMITH** 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. SMITH** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
11. **MS. SMITH** 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. SMITH** throughout the duration of this Order.
12. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. SMITH** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

13. **MS. SMITH** shall notify the Board, in writing, of the name and address of any current employer **within thirty (30) days following the effective date of this Order**, or any new employer prior to accepting nursing employment.
14. **MS. SMITH, within fifteen (15) days of the effective date of this Order**, if working in a position in which a nursing license is required, shall provide her employer(s) with a copy of this Order and the Notice of Opportunity for Hearing. Further, **MS. SMITH** 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 nursing employment**. **MS. SMITH** 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 beginning within thirty (30) days of the effective date of this Order or**

**beginning within thirty (30) days of working in a nursing position. MS. SMITH** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. SMITH**

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

### **Temporary Narcotic Restriction**

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

### **Temporary Practice Restrictions**

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

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

**MS. SMITH** 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. SMITH's suspension shall be lifted and MS. SMITH's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. SMITH** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. SMITH** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. SMITH** 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. SMITH** has complied with all aspects of this Order; and (2) the Board determines that **MS. SMITH** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. SMITH** and review of the reports as required herein. Any period during which **MS. SMITH** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Turshon, Dawn M., R.N. 216875 (CASE #12-2209)

**Action:** It was moved by J. Jane McFee, seconded by Lisa Klenke, that upon consideration of the charges stated against **DAWN M. TURSHON** in the January 25, 2013 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board dismisses in part the allegations in Item A. Page 2 and Item 2. Page 3 relating to the dates November 13, 14, 15, and 16, 2011.

For the remaining allegations, the Board finds that **MS. TURSHON** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice. The Ohio Board of Nursing ORDERS that **MS. TURSHON'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **DAWN M. TURSHON** to surrender her frameable wall certificate for her registered nurse license, R.N. #216875, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Ward, Susan E., P.N. 097469 (CASE #11-1391)

**Action:** It was moved by Nancy Fellows, seconded by Lisa Klenke, that upon consideration of the charges stated against **SUSAN ELLEN WARD** in the March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. WARD** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. WARD's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time but not less than two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. WARD's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years, with **Temporary Narcotic** and **Permanent Practice Restrictions** set forth below.

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

1. **MS. WARD** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. WARD** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. WARD** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. WARD**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. WARD's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.

4. **Prior to requesting reinstatement by the Board, MS. WARD** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: two (2) hours of Ohio Law and Rules, five (5) hours of Substance Abuse and four (4) hours of Ethics.

### **Monitoring**

5. **MS. WARD** 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. WARD's** history. **MS. WARD** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. WARD** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **Prior to requesting reinstatement by the Board, MS. WARD** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. WARD** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. WARD** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. WARD's** license, and a statement as to whether **MS. WARD** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. WARD** 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. WARD's** license.
9. **For a minimum, continuous period of two (2) years immediately prior to requesting reinstatement, MS. WARD** 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. WARD'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. WARD** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. WARD's** history.
10. Within thirty (30) days prior to **MS. WARD** initiating drug screening, **MS. WARD** 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. WARD**.
  11. After initiating drug screening, **MS. WARD** 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. WARD** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  12. **For a minimum, continuous period of two (2) years immediately prior to requesting reinstatement, MS. WARD** 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. WARD** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. WARD**

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

17. **MS. WARD** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
18. **MS. WARD** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. WARD** 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. WARD** submits a written request for reinstatement; (2) the Board determines that **MS. WARD** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. WARD** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. WARD** and review of the documentation specified in this Order.

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

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

### **Monitoring**

3. **MS. WARD** 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. WARD's** history. **MS. WARD** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. WARD** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. WARD** 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. WARD** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. WARD's** history.
6. **MS. WARD** 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. WARD** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. WARD** 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. WARD** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. WARD** 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. WARD** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. WARD** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. WARD** shall **notify the Board, in writing.**
11. **MS. WARD** 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 nursing employment.** **MS. WARD** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. WARD** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. WARD**

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

### **Temporary Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

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

**MS. WARD** 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. WARD's suspension shall be lifted and MS. WARD's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. WARD** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. WARD** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. WARD** 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. WARD** has complied with all aspects of this Order; and (2) the Board determines that **MS. WARD** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. WARD** and review of the reports as required herein. Any period during which **MS. WARD** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Whiting, Angela J., P.N. 109992 (CASE #12-2068)

**Action:** It was moved by Lisa Klenke, seconded by Nancy Fellows, that upon consideration of the charges stated against **ANGELA JANE WHITING** in the March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. WHITING** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. WHITING's** license to practice nursing as a licensed practical nurse is

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

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

1. **MS. WHITING** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. WHITING** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. WHITING** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. WHITING**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. WHITING's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. WHITING** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: five (5) hours of Substance Abuse and five (5) hours of Ethics.

#### **Monitoring**

5. **MS. WHITING** 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. WHITING's** history. **MS. WHITING** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. WHITING** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **Prior to requesting reinstatement by the Board, MS. WHITING** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation,

- MS. WHITING** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. WHITING** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. WHITING's** license, and a statement as to whether **MS. WHITING** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. WHITING** 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. WHITING's** license.
  9. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. WHITING** 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. WHITING'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. WHITING** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. WHITING's** history.
  10. Within thirty (30) days prior to **MS. WHITING** initiating drug screening, **MS. WHITING** 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. WHITING**.
  11. After initiating drug screening, **MS. WHITING** 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. WHITING** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.

12. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. WHITING** 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. WHITING** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

### **Reporting Requirements of MS. WHITING**

13. **MS. WHITING** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
14. **MS. WHITING** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
15. **MS. WHITING** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
16. **MS. WHITING** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
17. **MS. WHITING** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
18. **MS. WHITING** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. WHITING** 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. WHITING** submits a written request for reinstatement; (2) the Board determines that **MS. WHITING** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. WHITING** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. WHITING** and review of the documentation specified in this Order.

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

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

### **Monitoring**

3. **MS. WHITING** 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. WHITING's** history. **MS. WHITING** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. WHITING** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. WHITING** 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. WHITING** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. WHITING's** history.
6. **MS. WHITING** 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. WHITING** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. WHITING** 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. WHITING** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of

- treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. WHITING** 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. WHITING** throughout the duration of this Order.
  9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. WHITING** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. WHITING** shall **notify the Board, in writing.**
11. **MS. WHITING** 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 nursing employment.** **MS. WHITING** 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 **beginning within thirty (30) days of accepting nursing employment.** **MS. WHITING** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. WHITING**

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

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

#### **Permanent Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

**MS. WHITING** 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. WHITING's suspension shall be lifted and MS. WHITING's license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that MS. WHITING has violated or**

breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. WHITING** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. WHITING** 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. WHITING** has complied with all aspects of this Order; and (2) the Board determines that **MS. WHITING** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. WHITING** and review of the reports as required herein. Any period during which **MS. WHITING** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Burd, Jessica A., P.N. 132952 (CASE #12-1726)

**Action:** It was moved by Tracy Ruegg, seconded by Sheryl Warner, that upon consideration of the charges stated against **JESSICA ANN BURD** in the March 22, 2013 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. BURD** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. BURD's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time with the conditions for reinstatement set forth below.

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

1. **MS. BURD** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. BURD** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. BURD** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. BURD**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. BURD's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the

completed criminal records check, including the FBI check, has been received by the Board.

### **Educational Needs Assessment and Learning Plan**

4. **Prior to requesting reinstatement by the Board, MS. BURD** shall establish contact with a nursing educator approved by the Board who has no less than a master's degree and who is affiliated with a nursing educational program and **MS. BURD** shall have the educator provide the Board with a written report of an assessment of **MS. BURD**, which identifies **MS. BURD's** knowledge/practice deficiencies and remedial educational needs. Prior to the assessment, **MS. BURD** shall provide the nursing educator with a copy of this Order and the Notice of Opportunity for Hearing and shall submit to any nursing skills or knowledge assessments required by the educator. **MS. BURD** 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. BURD's** employer(s), former employers, and Board staff. Following the assessment, **MS. BURD** shall have the educator provide the Board with a copy of a learning plan developed by the educator for **MS. BURD** and shall obtain approval of the learning plan by the Board or its designee. The learning plan shall identify specific remediation that **MS. BURD** 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. BURD** shall complete such learning plan. **Prior to requesting reinstatement by the Board, MS. BURD** 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. BURD** has successfully completed the learning plan and prior to requesting reinstatement by the Board, the educator shall provide the Board with an assessment and any recommendations for additional remedial education and/or restrictions that should be placed on **MS. BURD's** license to practice. Furthermore, the educator shall provide to the Board a written opinion stating whether **MS. BURD** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care. **MS. BURD** shall be responsible for all costs associated with meeting this requirement.
5. The Board may utilize the educator's recommendations and conclusions from the assessment as a basis for additional terms, conditions, and limitations on **MS. BURD's** license.
6. In the event that the educator's recommendations require **MS. BURD** to have an active nursing license, the Board, prior to reinstatement of her license, may issue **MS. BURD** a license to practice nursing as a licensed practical nurse that is restricted to the limited use and sole purpose of completing the educator's recommendations. For all other uses and

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

### **DURATION**

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

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Jones, Trevor N., P.N. 115442 (CASE #12-2144)

**Action:** It was moved by Maryam Lyon, seconded by Janet Arwood, that upon consideration of the charges stated against **TREVOR NIGEL JONES** in the September 21, 2012 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. JONES** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MR. JONES's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time, but not less than three (3) years, with the conditions for reinstatement set forth below, and that following reinstatement, **MR. JONES's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) year and the **Permanent Narcotic** and **Permanent Practice Restrictions** set forth below.

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

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

3. **Prior to requesting reinstatement by the Board, MR. JONES** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MR. JONES**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MR. JONES's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.

### **Monitoring**

4. **MR. JONES** 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. JONES's** history. **MR. JONES** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MR. JONES** shall abstain completely from the use of alcohol or any products containing alcohol.
6. **Prior to requesting reinstatement by the Board, MR. JONES** shall, at his own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MR. JONES** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MR. JONES** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MR. JONES's** license, and a statement as to whether **MR. JONES** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MR. JONES** 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. JONES's** license.
8. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MR. JONES** 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. JONES'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. JONES** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. JONES's** history.
9. Within thirty (30) days prior to **MR. JONES** initiating drug screening, **MR. JONES** 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. JONES**.
  10. After initiating drug screening, **MR. JONES** 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. JONES** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  11. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MR. JONES** 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. JONES** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MR. JONES**

12. **MR. JONES** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
13. **MR. JONES** shall submit any and all information that the Board may request regarding his ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MR. JONES** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.

15. **MR. JONES** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MR. JONES** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MR. JONES** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MR. JONES** 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) **MR. JONES** submits a written request for reinstatement; (2) the Board determines that **MR. JONES** has complied with all conditions of reinstatement; and (3) the Board determines that **MR. JONES** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MR. JONES** and review of the documentation specified in this Order.

**Following reinstatement, the suspension shall be stayed and MS. JONES's license shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.**

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

### **Monitoring**

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

6. **MR. JONES** 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. JONES** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MR. JONES** 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. JONES** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MR. JONES** 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. JONES** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MR. JONES** shall notify the Board of any and all medication(s) or prescription(s) received.

### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MR. JONES** shall **notify the Board, in writing.**
11. **MR. JONES** 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 nursing employment.** **MR. JONES** 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 **beginning within thirty (30) days of accepting nursing employment.** **MR. JONES** shall have his employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MR. JONES**

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

### **Permanent Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

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

**MR. JONES** 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. JONES's suspension shall be lifted and MR. JONES's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MR. JONES** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MR. JONES** via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, **MR. JONES** 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. JONES** has complied with all aspects of this Order; and (2) the Board determines that **MR. JONES** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MR. JONES** and review of the reports as required herein. Any period during which **MR. JONES** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Swisher, Pamela S., P.N. 097886 (CASE #12-0274)

**Action:** It was moved by Janet Arwood, seconded by Roberta Stokes, that upon consideration of the charges stated against **PAMELA SUE SWISHER** in the July 27, 2012 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. SWISHER** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. SWISHER's** license to practice nursing as a licensed

practical nurse is hereby suspended for an indefinite period of time but not less than two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. SWISHER's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years, with **Permanent Narcotic** and **Permanent Practice Restrictions** set forth below.

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

1. **MS. SWISHER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. SWISHER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. SWISHER** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. SWISHER**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. SWISHER's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. SWISHER** shall pay the fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

#### **Educational Needs Assessment and Learning Plan**

5. **Prior to requesting reinstatement by the Board, MS. SWISHER** shall establish contact with a nursing educator approved by the Board who has no less than a master's degree and who is affiliated with a nursing educational program and **MS. SWISHER** shall have the educator provide the Board with a written report of an assessment of **MS. SWISHER**, which identifies **MS. SWISHER's** knowledge/practice deficiencies and remedial educational needs. Prior to the assessment, **MS. SWISHER** shall provide the nursing educator with a copy of this Order and the Notice of Opportunity for Hearing and shall submit to any nursing skills or knowledge assessments required by the educator. **MS. SWISHER** 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. SWISHER's** employer(s), former employers, and Board staff. Following the assessment, **MS.**

- SWISHER** shall have the educator provide the Board with a copy of a learning plan developed by the educator for **MS. SWISHER** and shall obtain approval of the learning plan by the Board or its designee. The learning plan shall identify specific remediation that **MS. SWISHER** 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. SWISHER** shall complete such learning plan. **Prior to requesting reinstatement by the Board, MS. SWISHER** 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. SWISHER** has successfully completed the learning plan and prior to requesting reinstatement by the Board, the educator shall provide the Board with an assessment and any recommendations for additional remedial education and/or restrictions that should be placed on **MS. SWISHER's** license to practice. Furthermore, the educator shall provide to the Board a written opinion stating whether **MS. SWISHER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care. **MS. SWISHER** shall be responsible for all costs associated with meeting this requirement.
6. The Board may utilize the educator's recommendations and conclusions from the assessment as a basis for additional terms, conditions, and limitations on **MS. SWISHER's** license.
  7. In the event that the educator's recommendations require **MS. SWISHER** to have an active nursing license, the Board, prior to reinstatement of her license, may issue **MS. SWISHER** a license to practice nursing as a licensed practical nurse that is restricted to the limited use and sole purpose of completing the educator's recommendations. For all other uses and purposes, **MS. SWISHER's** license shall remain suspended. Upon successful completion of the educator's recommendations and upon written notification to the Board or its designee, the limitations on **MS. SWISHER's** license shall be terminated. **MS. SWISHER** shall not gain or attempt to gain employment as a licensed practical nurse in the State of Ohio until she has completed the requirements and conditions for reinstatement, set forth in this Order, and the Board has reinstated her license.

### **Monitoring**

8. **MS. SWISHER** 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. SWISHER's** history. **MS. SWISHER** shall self-administer the prescribed drugs only in the manner prescribed.
9. **MS. SWISHER** shall abstain completely from the use of alcohol or any products containing alcohol.

10. **Prior to requesting reinstatement by the Board, MS. SWISHER** shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. SWISHER** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. SWISHER** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. SWISHER's** license, and a statement as to whether **MS. SWISHER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
11. **MS. SWISHER** 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. SWISHER's** license.
12. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. SWISHER** 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. SWISHER'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. SWISHER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SWISHER's** history.
13. Within thirty (30) days prior to **MS. SWISHER** initiating drug screening, **MS. SWISHER** 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. SWISHER**.
14. After initiating drug screening, **MS. SWISHER** 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. SWISHER** 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.
15. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. SWISHER** 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. SWISHER** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
16. **Prior to requesting reinstatement by the Board, MS. SWISHER** shall, at her own expense, obtain a comprehensive physical examination by a Board approved physician for the purposes of evaluating **MS. SWISHER's** fitness for duty and safety to practice nursing as a licensed practical nurse. This Board approved physician shall provide the Board with complete documentation of **MS. SWISHER's** comprehensive physical examination and with a comprehensive assessment regarding **MS. SWISHER's** fitness for duty and safety to practice nursing as a licensed practical nurse. Prior to the examination, **MS. SWISHER** shall provide the Board approved physician with a copy of this Order and the Notice of Opportunity for Hearing. Further, **MS. SWISHER** shall execute releases to permit the Board approved physician performing the comprehensive physical examination and assessment to obtain any information deemed appropriate and necessary for the assessment. The evaluating physician shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. SWISHER's** license to practice, and stating whether **MS. SWISHER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
17. The Board may utilize the Board approved physician's recommendations and conclusions from the comprehensive physician examination and assessment as a basis for additional terms, conditions, and limitations on **MS. SWISHER's** license.

#### **Reporting Requirements of MS. SWISHER**

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

20. **MS. SWISHER** 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.
21. **MS. SWISHER** 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.
22. **MS. SWISHER** 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.
23. **MS. SWISHER** shall verify that the reports and documentation required by this Order are received in the Board office.
24. **MS. SWISHER** 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. SWISHER** submits a written request for reinstatement; (2) the Board determines that **MS. SWISHER** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. SWISHER** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. SWISHER** and review of the documentation specified in this Order.

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

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

#### **Monitoring**

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

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

#### **Treating Practitioners and Reporting**

7. Within sixty (60) days of the execution of the probationary period, **MS. SWISHER** 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. SWISHER** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. SWISHER** 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. SWISHER** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. SWISHER** shall notify the Board of any and all medication(s) or prescription(s) received.

#### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. SWISHER** shall **notify the Board, in writing.**
11. **MS. SWISHER** 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 nursing employment. MS. SWISHER** 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 **beginning within thirty (30) days of accepting nursing employment. MS. SWISHER** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. SWISHER**

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

### **Permanent Narcotic Restriction**

**MS. SWISHER** shall not administer, have access to, or possess (except as prescribed for **MS. SWISHER's** use by another so authorized by law who has

full knowledge of **MS. SWISHER's** history) any narcotics, other controlled substances, or mood altering drugs. In addition, **MS. SWISHER** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MS. SWISHER** shall not call in or order prescriptions or prescription refills.

### **Permanent Practice Restrictions**

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

**MS. SWISHER** 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. SWISHER's suspension shall be lifted and MS. SWISHER's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. SWISHER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. SWISHER** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. SWISHER** 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. SWISHER** has complied with all aspects of this Order; and (2) the Board determines that **MS. SWISHER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. SWISHER** and review of the reports as required herein. Any period during which **MS. SWISHER** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

**WITHDRAWAL OF NOTICE(S) OF OPPORTUNITY FOR HEARING**

Ruiz, Sarah E., R.N. 349123, P.N. 117169 (CASE #12-2047)

**Action:** It was moved by Roberta Stokes, seconded by Janet Arwood, that the Board withdraw the Notice of Opportunity for Hearing that was issued to Ruiz, Sarah E., R.N. 349123, P.N. 117169 (CASE #12-2047). The Notice of Opportunity for Hearing contains information that is duplicative of information in the July 26, 2013 Notice of Immediate Suspension and Opportunity for Hearing.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer, Judith Church and Lisa Klenke abstaining.

**NOTICE OF TEMPORARY SUSPENSION AND OPPORTUNITY FOR HEARING**

**Action:** It was moved by Sheryl Warner, seconded by Janet Arwood, that the Board Temporarily Suspend the license and issue a Notice of Opportunity for Hearing for violations of Chapter 4723 for the following case(s):

Castor, Cynthia L., R.N. 263627 (CASE #13-5081) and James, Angel D., P.N. 131780 (CASE #13-2903).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

**NOTICE OF IMMEDIATE AND AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING**

**Action:** It was moved by Susan Morano, seconded by J. Jane McFee, that the Board Immediately and Automatically Suspend the license and issue a Notice of Opportunity for Hearing for violations of Chapter 4723, ORC, for the following case(s):

Bailey, Lisa L., P.N. 139955 (CASE #13-0028) and Ryan, Deidre L., R.N. 239854 (CASE #13-1428).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

**DEFAULT ORDERS**

Forte, Jennifer M., R.N. 302853 (CASE #12-4618)

**Action:** It was moved by Roberta Stokes, seconded by Janet Arwood, that the Board find that **MS. FORTE** has failed to submit to an examination when directed, and that the failure was not due to circumstances beyond her control.

In accordance with Section 4723.28(B)(16) and Section 4723.28(G) ORC, the Ohio Board of Nursing finds that **MS. FORTE** has admitted the truth of the allegations set forth in the April 17, 2013 Examination Order issued to **MS. FORTE** and that **MS. FORTE's** ability to safely practice nursing is impaired. The Board ORDERS that **MS. FORTE's** license to practice nursing as a registered nurse in the State of Ohio is hereby suspended for an indefinite period of time with conditions for reinstatement set forth below:

#### **CONDITIONS FOR REINSTATEMENT**

1. **MS. FORTE** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. FORTE** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reinstatement.
3. **MS. FORTE** shall, at her own expense, submit to a chemical dependency examination, specifically addressing her capacity to function in a clinical nursing capacity, by Richard M. Whitney, Shepherd Hill Addiction Services, 200 Messimer Dr., Newark, Ohio, 43055 or another examiner approved in advance, in writing, by the Board or its designee (hereinafter "Examiner"). Prior to the evaluation, **MS. FORTE** shall provide the Examiner with a copy of this Order and the April 17, 2013 Examination Order, and shall execute releases to permit the Examiner to obtain any information deemed appropriate and necessary for the evaluation. The Examiner shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, and any restrictions that should be placed on **MS. FORTE's** practice. The Examiner shall provide an opinion to the Board regarding whether **MS. FORTE** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
4. **MS. FORTE** shall enter into a Consent Agreement with the Board for probationary terms, conditions, limitations, and restrictions determined by the Board for a minimum period of time determined by the Board. The probationary terms, conditions, limitations, and restrictions determined by the Board shall include, but not be limited to, completion or continuation of treatment recommended and/or restrictions specified by the Examiner, as set forth in paragraph 3., above. If the Board and **MS. FORTE** are unable to agree to terms, conditions, limitations, and restrictions in a Consent Agreement, the terms, conditions, limitations, and restrictions shall be determined after a hearing is held.

### **Reporting Requirements of Licensee**

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

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

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

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

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Rosati, Frank J., DTI applicant (CASE #13-0990)

**Action:** It was moved by Lisa Klenke, seconded by Tracy Ruegg, that the Board find that **MR. ROSATI** has failed to submit to an examination when directed, and that the failure was not due to circumstances beyond his control.

In accordance with Section 4723.28(B)(16) and Section 4723.28(G) ORC, the Ohio Board of Nursing finds that **MR. ROSATI** has admitted the truth of the allegations set forth in the May 29, 2013 Examination Order issued to **MR. ROSATI** and that **MR. ROSATI's** ability to safely practice as a certified dialysis technician is impaired. The Board ORDERS that **MR. ROSATI's** Application is hereby denied, with conditions for reapplication set forth below:

#### **CONDITIONS FOR REAPPLICATION FOR INITIAL CERTIFICATION**

1. **MR. ROSATI** shall obey all federal, state, and local laws, and all laws and rules governing dialysis technician care in Ohio.
2. **MR. ROSATI** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to certification.
3. **MR. ROSATI** shall, at his own expense, submit to a chemical dependency examination, specifically addressing his capacity to function in a dialysis technician capacity, by Dr. Richard M. Whitney, Shepherd Hill Addiction Services, 200 Messimer Dr., Newark, Ohio 43055 or another examiner approved in advance, in writing, by the Board or its designee (hereinafter "Examiner"). Prior to the evaluation, **MR. ROSATI** shall provide the Examiner with a copy of this Order and the May 29, 2013 Examination Order, and shall execute releases to permit the Examiner to obtain any information deemed appropriate and necessary for the evaluation. The Examiner shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, and any restrictions that should be placed on **MR. ROSATI's** practice. The Examiner shall provide an opinion to the Board regarding whether **MR. ROSATI** is capable of practicing as a dialysis technician intern according to acceptable and prevailing standards of safe dialysis care.
4. **MR. ROSATI** may submit a new application for a certificate to practice as a dialysis technician intern following the Board's receipt of the Examiner's written opinion. Upon re-applying, and meeting all the requirements for certification, **MR. ROSATI** may be granted a certificate to practice as a dialysis technician intern. Prior to the Board

granting a certificate to practice as a dialysis technician intern to **MR. ROSATI**, **MR. ROSATI** shall enter into a Consent Agreement with the Board for probationary terms, conditions, limitations, and restrictions determined by the Board for a minimum period of time determined by the Board. The probationary terms, conditions, limitations, and restrictions determined by the Board shall include, but not be limited to, completion or continuation of chemical dependency treatment recommended and/or restrictions specified by the Examiner, as set forth in paragraph 3., above. If the Board and **MR. ROSATI** are unable to agree to terms, conditions, limitations, and restrictions in a Consent Agreement, the terms, conditions, limitations, and restrictions shall be determined after a hearing is held.

### **Reporting Requirements of MR. ROSATI**

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

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

**MR. ROSATI** is hereby further informed that, if **MR. ROSATI** timely requests a hearing, **MR. ROSATI** is entitled to appear at such hearing in person, by **MR.**

**ROSATI's** attorney, or by such other representative as is permitted to practice before the Board, or **MR. ROSATI** may present **MR. ROSATI's** position, arguments, or contentions in writing. At the hearing **MR. ROSATI** may also present evidence and examine witnesses appearing for and against **MR. ROSATI**.

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

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Rucker, Amanda R., P.N. 124910 (CASE #12-2515)

**Action:** It was moved by Lisa Klenke, seconded by Nancy Fellows, that the Board find that **MS. RUCKER** has failed to submit to an examination when directed, and that the failure was not due to circumstances beyond her control.

In accordance with Section 4723.28(B)(16) and Section 4723.28(G) ORC, the Ohio Board of Nursing finds that **MS. RUCKER** has admitted the truth of the allegations set forth in the February 21, 2013 Examination Order issued to **MS. RUCKER** and that **MS. RUCKER's** ability to safely practice nursing is impaired. The Board ORDERS that **MS. RUCKER's** license to practice nursing as a licensed practical nurse in the State of Ohio is hereby suspended for an indefinite period of time with conditions for reinstatement set forth below:

#### **CONDITIONS FOR REINSTATEMENT**

1. **MS. RUCKER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. RUCKER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reinstatement.
3. **MS. RUCKER** shall, at her own expense, submit to a chemical dependency examination, specifically addressing her capacity to function in a clinical nursing capacity, by Dr. Michael A. Gureasko, located at the Christ Hospital Medical Office Building, 2123 Auburn Ave., Suite 306, Cincinnati, Ohio 45219, or another examiner approved in advance, in writing, by the Board or its designee (hereinafter "Examiner"). Prior to the evaluation, **MS. RUCKER** shall provide the Examiner with a copy of this Order and the February 21, 2013 Examination Order, and shall execute

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

#### **Reporting Requirements of Licensee**

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

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

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

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

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Bentley, Lisa R., R.N. 215746 (CASE #12-1721)

**Action:** It was moved by Sheryl Warner, seconded by Susan Morano, that the Board find that **MS. BENTLEY** has failed to submit to an examination when directed, and that the failure was not due to circumstances beyond her control.

In accordance with Section 4723.28(B)(16) and Section 4723.28(G) ORC, the Ohio Board of Nursing finds that **MS. BENTLEY** has admitted the truth of the allegations set forth in the June 5, 2013 Examination Order issued to **MS. BENTLEY** and that **MS. BENTLEY's** ability to safely practice nursing is impaired. The Board ORDERS that **MS. BENTLEY's** license to practice nursing as a registered nurse in the State of Ohio is hereby suspended for an indefinite period of time with conditions for reinstatement set forth below:

#### **CONDITIONS FOR REINSTATEMENT**

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

3. **MS. BENTLEY** shall, at her own expense, submit to a chemical dependency examination, specifically addressing her capacity to function in a clinical nursing capacity, by Dr. Abdullahi Mubarak, Pain Evaluation and Management Center of Ohio, 1550 Yankee Park Place, Centerville, Ohio 45458 or another examiner approved in advance, in writing, by the Board or its designee (hereinafter "Examiner"). Prior to the evaluation, **MS. BENTLEY** shall provide the Examiner with a copy of this Order and the June 5, 2013 Examination Order, and shall execute releases to permit the Examiner to obtain any information deemed appropriate and necessary for the evaluation. The Examiner shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, and any restrictions that should be placed on **MS. BENTLEY's** practice. The Examiner shall provide an opinion to the Board regarding whether **MS. BENTLEY** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
4. **MS. BENTLEY** shall enter into a Consent Agreement with the Board for probationary terms, conditions, limitations, and restrictions determined by the Board for a minimum period of time determined by the Board. The probationary terms, conditions, limitations, and restrictions determined by the Board shall include, but not be limited to, completion or continuation of treatment recommended and/or restrictions specified by the Examiner, as set forth in paragraph 3., above. If the Board and **MS. BENTLEY** are unable to agree to terms, conditions, limitations, and restrictions in a Consent Agreement, the terms, conditions, limitations, and restrictions shall be determined after a hearing is held.

#### **Reporting Requirements of Licensee**

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

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

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

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

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

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Deeble, Calandra Y., P.N. 113203 (CASE #11-0980)

**Action:** It was moved by Maryam Lyon, seconded by Janet Arwood, that the Board find that **MS. DEEBLE** has committed acts in violation of the Nurse Practice Act, as set forth in the March 2013 Default Order, and the Board orders that **MS. DEEBLE's** license to practice nursing as a licensed practical nurse in the State of Ohio is hereby suspended, as of March 22, 2013, with conditions for reinstatement set forth in the March 2013 Default Order.

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Miller, Heidi S., R.N. 268835 (CASE #12-5841)

**Action:** It was moved by J. Jane McFee, seconded by Susan Morano, that the Board find that **MS. MILLER** has committed acts in violation of the Nurse Practice Act, as set forth in the July 2013 Default Order, and the Board orders that **MS. MILLER's** license to practice nursing as a registered nurse in the State of Ohio is hereby suspended, as of July 26, 2013, with conditions for reinstatement set forth in the July 2013 Default Order.

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Borba, Jennifer J., R.N. 291419 (CASE #12-0884)

**Action:** It was moved by Nancy Fellows, seconded by Lisa Klenke, that the Board find that **MS. BORBA** has committed acts in violation of the Nurse Practice Act, as set forth in the July 2013 Default Order, and the Board orders that **MS. BORBA's** license to practice nursing as a registered nurse in the State of Ohio be suspended, as of July 26, 2013, with conditions for reinstatement set forth in the July 2013 Default Order.

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 20<sup>th</sup> day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Sarantou, Anthony E., P.N. 096243 (CASE #12-1468)

**Action:** It was moved by J. Jane McFee, seconded by Lisa Klenke, that the Board find that **MR. SARANTOU** has committed acts in violation of the Nurse Practice Act, as set forth in the July 2013 Default Order, and the Board orders that **MR. SARANTOU's** license to practice nursing as a licensed practical nurse in the State of Ohio is hereby suspended, as of July 26, 2013, with conditions for reinstatement set forth in the July 2013 Default Order.

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Price, Rebecca A., P.N. 109124 (CASE #12-0769)

**Action:** It was moved by Nancy Fellows, seconded by Lisa Klenke, that the Board find that **MS. PRICE** has failed to submit to an examination when directed, and that the failure was not due to circumstances beyond her control.

In accordance with Section 4723.28(B)(16) and Section 4723.28(G) ORC, the Ohio Board of Nursing finds that **MS. PRICE** has admitted the truth of the allegations set forth in the March 11, 2013 Examination Order issued to **MS. PRICE** and that **MS. PRICE's** ability to safely practice nursing is impaired. The Board ORDERS that **MS. PRICE's** license to practice nursing as a licensed practical nurse in the State of Ohio is hereby suspended for an indefinite period of time with conditions for reinstatement set forth below:

### **CONDITIONS FOR REINSTATEMENT**

1. **MS. PRICE** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. PRICE** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reinstatement.
3. **MS. PRICE** shall, at her own expense, submit to a fitness for duty evaluation specifically addressing her ability to safely function in a clinical nursing capacity, by OSU Harding Hospital, Neuroscience Facility ("OSU"), 1670 Upham Dr., Fifth Floor, Columbus, Ohio 43210, or another examiner approved in advance, in writing, by the Board or its designee (hereinafter "Examiner"). Prior to the evaluation, **MS. PRICE** shall provide the Examiner with a copy of this Order and the March 11, 2013 Examination Order, and shall execute releases to permit the Examiner to obtain any information deemed appropriate and necessary for the evaluation. The Examiner shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, and any restrictions that should be placed on **MS. PRICE's** practice. The Examiner shall provide an opinion to the Board regarding whether **MS. PRICE** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
4. **MS. PRICE** shall enter into a Consent Agreement with the Board for probationary terms, conditions, limitations, and restrictions determined by the Board for a minimum period of time determined by the Board. The probationary terms, conditions, limitations, and restrictions determined by the Board shall include, but not be limited to, completion or continuation of mental health and/or chemical dependency treatment, or other treatment recommended, and/or restrictions specified by the Examiner, as set forth in paragraph 3., above. If the Board and **MS. PRICE** are unable to agree to terms, conditions, limitations, and restrictions in a Consent Agreement,

the terms, conditions, limitations, and restrictions shall be determined after a hearing is held.

### **Reporting Requirements of Licensee**

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

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

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

Should **MS. PRICE** choose to request a hearing, please mail or deliver the request, in addition to any other correspondence regarding this matter, to **Lisa Ferguson-Ramos, Compliance Unit Manager, Ohio Board of Nursing, 17**

**South High Street, Suite 400, Columbus, OH 43215-7410, or to the email address, [hearing@nursing.ohio.gov](mailto:hearing@nursing.ohio.gov).**

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

Hawk, Kelly D., P.N. 134675 (CASE #12-5201)

**Action:** It was moved by Tracy Ruegg, seconded by Maryam Lyon, that the Board find that **MS. HAWK** has failed to submit to an examination when directed, and that the failure was not due to circumstances beyond her control.

In accordance with Section 4723.28(B)(16) and Section 4723.28(G) ORC, the Ohio Board of Nursing finds that **MS. HAWK** has admitted the truth of the allegations set forth in the May 28, 2013 Examination Order issued to **MS. HAWK** and that **MS. HAWK's** ability to safely practice nursing is impaired. The Board ORDERS that **MS. HAWK's** license to practice nursing as a licensed practical nurse in the State of Ohio is hereby suspended for an indefinite period of time with conditions for reinstatement set forth below:

#### **CONDITIONS FOR REINSTATEMENT**

1. **MS. HAWK** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HAWK** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reinstatement.
3. **MS. HAWK** shall, at her own expense, submit to a chemical dependency evaluation specifically addressing her ability to safely function in a clinical nursing capacity, by Dr. Richard Whitney, Shepherd Hill Addiction Services, located at 200 Messimer Drive, Newark, Ohio 43055, or another examiner approved in advance, in writing, by the Board or its designee (hereinafter "Examiner"). Prior to the evaluation, **MS. HAWK** shall provide the Examiner with a copy of this Order and the May 28, 2013 Examination Order, and shall execute releases to permit the Examiner to obtain any information deemed appropriate and necessary for the evaluation. The Examiner shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, and any restrictions that should be placed on **MS. HAWK's** practice. The Examiner shall provide an opinion to the Board regarding whether **MS. HAWK** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

4. **MS. HAWK** shall enter into a Consent Agreement with the Board for probationary terms, conditions, limitations, and restrictions determined by the Board for a minimum period of time determined by the Board. The probationary terms, conditions, limitations, and restrictions determined by the Board shall include, but not be limited to, completion or continuation of mental health and/or chemical dependency treatment, or other treatment recommended, and/or restrictions specified by the Examiner, as set forth in paragraph 3., above. If the Board and **MS. HAWK** are unable to agree to terms, conditions, limitations, and restrictions in a Consent Agreement, the terms, conditions, limitations, and restrictions shall be determined after a hearing is held.

#### **Reporting Requirements of Licensee**

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

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

**MS. HAWK** is hereby further informed that, if **MS. HAWK** timely requests a hearing, **MS. HAWK** is entitled to appear at such hearing in person, by **MS. HAWK's** attorney, or by such other representative as is permitted to practice

before the Board, or **MS. HAWK** may present **MS. HAWK's** position, arguments, or contentions in writing. At the hearing **MS. HAWK** may also present evidence and examine witnesses appearing for and against **MS. HAWK**.

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

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 20th day of September, 2013.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

#### **VOLUNTARY RETIREMENT**

**Action:** it was moved by Sheryl Warner, seconded by Janet Arwood, that the Board accept the Permanent Voluntary Retirement from the practice of nursing for the following:

Lawrence, Angie D., P.N. 074283 (CASE #12-6535); Emmett, Nancy E., R.N. 138912 (CASE #12-4411); and Williams, Linda M., P.N. 079208 (CASE #11-2822).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

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

Stec, Brian P., R.N. 296360 (CASE #13-0912)

**Action:** It was moved by Susan Morano, seconded by Janet Arwood that the Board Summarily Suspend the license of Stec, Brian P., R.N. 296360 (CASE #13-0912) and issue a Notice of Opportunity for Hearing for violations of Chapter 4723 ORC., retroactive to the date it was issued on August 26, 2013 due to the fact that there is clear and convincing evidence that continued practice by Mr. Stec presents a danger of immediate and serious harm to the public.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

## **MONITORING**

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

**Action:** It was moved by Nancy Fellows, seconded by Lisa Klenke, that the following, with the recommendation by Rhonda Barkheimer, Supervising Member for Disciplinary Matters, be released from their respective Consent Agreements or Adjudication Orders:

Stewart, Shelvie, P.N. 110483 (CASE #08-4284); Hayden, Jessica E., R.N. 300314 (CASE #10-2309); Blair, Charles S., R.N. 394164, P.N. 127970 (CASE #10-5943); Sperry, Jennifer, R.N. 333252 (CASE #11-2973); Salwan, Jessica J., R.N. 366969, P.N. 110758 (CASE #10-4925); Mooney, James T., R.N. 367970 (CASE #12-1371); Bennett, Teresa L., R.N. 227398 (CASE #11-2571); and Tompkins, Richard D., R.N. 279681, NP 08078, RX 08078 (CASE #09-4520).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

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

**Action:** It was moved by Lisa Klenke, seconded by Tracy Ruegg, that the following, with the recommendation by Rhonda Barkheimer, Supervising Member for Disciplinary Matters, be released early from their respective Consent Agreements or Adjudication Orders:

Mullen, Leslie A., R.N. 368745 (CASE #10-4986); Estadt, Elizabeth C., R.N. 296569 (CASE #11-3386); Santon, Jeffrey M., P.N. 144786 (CASE #09-4888); and Thompson, Andriea M., P.N. 147882 (CASE #11-3527).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

### **LIFT OF SUSPENSION/PROBATION ONLY – PERMANENT PRACTICE RESTRICTION(S) REMAIN**

**Action:** It was moved by Tracy Ruegg, seconded by Maryam Lyon, that the following, with the recommendation by Rhonda Barkheimer, Supervising Member for Disciplinary Matters, be released from their consent agreements with the exception of the permanent practice restriction(s) that will remain in effect:

Tawney, Kathleen M., R.N. 293547 (CASE #09-0293)

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

**LIFT OF SUSPENSION/PROBATION ONLY – EARLY RELEASE – PERMANENT PRACTICE RESTRICTION(S) REMAIN**

**Action:** It was moved by Maryam Lyon, seconded by Sheryl Warner, that the following, with the recommendation by Rhonda Barkheimer, Supervising Member for Disciplinary Matters, be released early from their consent agreements with the exception of the permanent practice restriction(s) that will remain in effect:

Gerdeman, Sarah E., R.N. 324532 (CASE #11-0572); Reed, Randy K., R.N. 187273 (CASE #07-0425); Rhodes, Michelle A., P.N. 146308 (CASE #11-2861); and Yoder, Lisa K., R.N. 243730 (CASE #10-3853).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

**LIFT OF SUSPENSION/PROBATION ONLY – EARLY RELEASE – PERMANENT PRACTICE AND NARCOTIC RESTRICTION(S) REMAIN**

**Action:** It was moved by Janet Arwood, seconded by Roberta Stokes, that the following, with the recommendation by Rhonda Barkheimer, Supervising Member for Disciplinary Matters, be released early from their consent agreements with the exception of the permanent practice and narcotic restriction(s) that will remain in effect:

Mariea, Lori B., R.N. 319423 (CASE #08-0506); Tritt, Therese A., R.N. 225050 (CASE #10-1159); and Vilck, Angela L., P.N. 091171 (CASE #09-4787).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

**LIFT OF TEMPORARY NARCOTIC RESTRICTION**

**Action:** It was moved by Roberta Stokes, seconded by Janet Arwood, that the following, with the recommendation by Rhonda Barkheimer, Supervising Member for Disciplinary Matters, be released from the temporary narcotic restriction(s) within their consent agreement(s):

Hess, Pamela C., R.N. 221544 (CASE #11-3771); Markelonis (Kiscoe), Stacey M., R.N. 320101 (CASE #11-3236); Keene, Darlene J., R.N. 289456 (CASE #12-4124); and Day, Pamela A., P.N. 149814 (CASE #12-0476).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

### **REINSTATEMENT REQUEST PER CONDITIONS OF ADJUDICATION ORDER**

**Action:** It was moved by Sheryl Warner, seconded by Nancy Fellows, that the Board reinstate the following, with the recommendation by Rhonda Barkheimer, Supervising Member for Disciplinary Matters, subject to the probationary terms of the November 16, 2012 adjudication order:

Sears, Dawn M., P.N. 134777 (CASE #09-5723).

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

### **MOTION TO APPROVE**

**Action:** It was moved by Susan Morano, seconded by Nancy Fellows, that the Board accept the following approvals made by Rhonda Barkheimer, Supervising Member for Disciplinary Matters:

Tombragel, Jodi L., R.N. 262522 (CASE #12-1096)- Approval to accept Pediatric Supervisor position with current employer, Comprehensive Home Health Care Services, Inc. in Cincinnati, Ohio.

Harris, Felicia L., R.N. 353914 (CASE #11-1643)- Approval to accept PRN Nurse Supervisor position with current employer, Windsor Laurelwood.

Michell, Leslie, R.N. 353449, P.N. 120937 (CASE #10-2230)- Approval to accept Assistant Director of Nursing Position with Regency Manor of Columbus only.

Estep, Emily, P.N. 153803 (CASE #12-5416)- Approval to seek nursing employment.

Shirey, Amanda L., P.N. 153562 (CASE #13-0215)- Approval to seek nursing employment.

Leeson, Cara M., R.N. 390608 (CASE #12-4926)- Approval to seek nursing employment.

Gorby, Barbara J., R.N. 262415, NA 02097 (CASE #11-0416)- Approval to accept a CRNA position with Precision Anesthesia Services LLC.

Orr, Laurie D R., R.N. 217322 (CASE #08-4044)- Approval to accept an RN Staff Nurse position with Mollen Immunization Clinic.

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

### **LIFT OF UDS REQUIREMENT**

Jacob, Susheela, R.N. 224468 (CASE #08-2932)

**Action:** It was moved by Nnacy Fellows, seconded by Lisa Klenke, that the the Board, with the recommendation by Rhonda Barkheimer, Supervising Member for Disciplinary Matters, release Jacob, Susheela, R.N. 224468 (CASE #08-2932), from the urine drug screening testing requirement within the November 20, 2009 Consent Agreement

Motion adopted by majority vote of the Board members with Rhonda Barkheimer and Judith Church abstaining.

### **REPORTS TO THE BOARD**

#### **Open Forum – Friday, September 20, 2013 at 10:00 a.m.**

There were no participants for Open Forum.

#### **Other Reports**

##### **Strategic Plan**

B. Houchen reviewed the Strategic Plan and answered questions. The Board agreed by general consensus to add and/or modify certain objectives and outcome measures as recommended.

##### **NEGP Quarterly Report**

L. Emrich provided the quarterly report for the Nurse Education Grant Program and answered questions.

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

The Board reviewed the general information items. It was noted that in the September issue of the NCSBN Council Connector, Lisa Klenke was recognized for being appointed as the CEO for Mercer Health system, and Maryam Lyon was recognized for completing her masters' degree.

### **BOARD GOVERNANCE**

#### **NCSBN Delegate Assembly and Annual Meeting**

J. Church and J. McFee provided a summary of the NCSBN Delegate Assembly and Annual Meeting business meeting and activities.

#### **Designation of Board Committee for Advisory Group Appointments**

Judith Church, Maryam Lyon, Susan Morano, and Sheryl Warner volunteered to serve on the Committee. The Committee will meet at noon on Thursday, November 21, 2013.

#### **Review of the November 2012 Board Meeting Schedule**

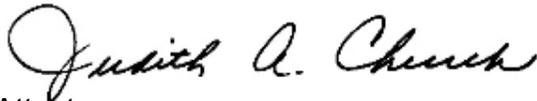
The November meeting will be held on November 20-22, 2013. The rules hearing will be at 1:00 p.m. on Wednesday, November 20, 2013, and following adjournment, the Board will hold quasi-judicial case discussions. The Board Committee on Advisory Group Appointments will meet at 12:00 p.m. on

Thursday, November 21, 2013. The Board dinner will be on Thursday, November 21, 2013.

**EVALUATION OF MEETING AND ADJOURNMENT**

The meeting was adjourned for the day on Thursday, September 19, 2013 at 11:32 a.m. On Friday, September 20, 2013, the meeting adjourned at 10:05 a.m.

Judith Church, DHA, MSN, RN  
President

Handwritten signature of Judith A. Church in cursive script.

Attest:

Betsy Houchen, RN, MS, JD  
Executive Director

Handwritten signature of Betsy J. Houchen in cursive script.