



## OHIO BOARD OF NURSING

### MINUTES OF MEETING

#### **REGULAR MEETING OF THE BOARD MARCH 17-18, 2011**

The regular meeting of the Ohio Board of Nursing (Board) was held on March 17-18, 2011 at the Board office located at 17 South High Street, Suite 400, Columbus, Ohio 43215. The President, Vice-President, and Executive Director reviewed the agenda prior to the meeting.

On Thursday, March 17, 2011 at 8:33 a.m., President Lovelace called the Board meeting to order. On Friday, March 18, 2011 at 8:30 a.m., President Lovelace called the Board meeting to order. Vice-President Patricia Protopapa read the Board mission each day. President Lovelace recognized nursing students, welcomed the gallery, and requested that Board Members introduce themselves.

#### **BOARD MEMBERS**

Bertha Lovelace, RN, President  
Patricia Protopapa, LPN, Vice-President  
Janet Arwood, LPN  
Rhonda Barkheimer, RN  
Judith Church, RN, Board Supervising Member for Disciplinary Matters  
Delphenia Gilbert, RN (Absent Thursday and Friday)  
Maryam Lyon, RN  
Johnnie Maier, Consumer Member  
J. Jane McFee, LPN  
Melissa Meyer, LPN  
Susan Morano, RN  
Tracy Ruegg, RN (Absent Friday)  
Roberta Stokes, RN

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

#### **ADMINISTRATIVE MATTERS**

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

On Thursday, the Board Reception was held at 8:00 a.m.; Taeryun Lee, RN Applicant, and her representative Jim McGovern, Esq., addressed the Board at 10:50 a.m.; Cary Lee Butcher, RN, and her representative Jim McGovern, Esq., addressed the Board at 11:10 a.m.; Executive Session was held at 2:15 p.m.; Board deliberations followed Executive Session. On Friday, Board deliberations were also held and Open Forum was at 10:00 a.m.

### **Minutes of January 20-21, 2011 Board Meeting**

**Action:** It was moved by J. Jane McFee, seconded by Tracy Ruegg, that the Board approve the minutes from the January 2011 Board meeting as submitted. Motion adopted by unanimous vote of the Board members.

### **Executive Director Report**

Betsy Houchen highlighted the following from the Executive Director report:

- The Board recognized Toni Notturiano for 20 years of state service and Alisan Riemenschneider for 5 years.
- NCSBN continues to prepare for implementation of the Transition to Practice study. They are convening a “kick-off” meeting on April 27-28 for state and site coordinators.
- The Citizen Advocacy Center asked the Board to provide a webinar about the Practice Intervention and Improvement Program, and the Patient Safety Initiative, including Just Culture. It is scheduled for June 2, 2011.
- Board staff continue to participate in efforts to educate the public and address the epidemic of prescription drug abuse in Ohio. Staff are participating in the Prescription Drug Abuse Action Group convened by the Ohio Department of Health.
- NCSBN has revised the nursing workforce survey tool so it will be included for the RN online renewal. In addition, the Ohio Association of Advanced Practice Nurses (OAAPN) requested that the renewal application for APNs include identification of a “specialty area” and the zip code where the APN is employed or practicing. These fields have been added for this renewal period.
- Board staff are preparing for the 2011-2013 RN renewal cycle. Renewal notices will be mailed at the end of March. The Board is encouraging the use of online renewal again, since it is fast and convenient and nurses can verify their license in as little as three business days after completing the online renewal application.
- The process of online renewal for APNs will change this year. Previously, when RNs with one or more COA(s) were originally setup for online renewal in the licensing system, they were established as a combined RN-COA credential for fee processing purposes. Due to limitations in the licensure system, this meant that each individual COA credential (CRNA, CNM, CNP, CNS) for a licensee needed to be manually updated after renewal by licensure staff. The manual process took weeks to complete, generated thousands of telephone calls, and created a delay in the online verification of COA specific information. The number of COA holders now exceeds 8,000, making the manual post-renewal processing no longer an option. For the coming 2011 renewal cycle, the online renewal process has been changed to alleviate the manual processes and delays in online verification of COA information. Beginning at the end of March, RN-COA holders will be required to renew their RN license, and each certificate they hold separately within the system. Due to limitations in the current system this will mean logging back into the online renewal website for each credential requiring renewal. With this change, the licensing

system will automatically update each RN license as well as each separate CRNA, CNM, CNP, and CNS credential at the same time, eliminating the delays previously experienced with the manual process.

### **Legislative Report**

Tom Dilling provided a summary of legislative activity on bills of interest to the Board and answered questions. T. Dilling discussed HB 93, Prescription Drugs. The bill will enhance the current Ohio Automated Rx Review System (OARRS) that was established in 2006 to assist health care professionals in identifying drug-seeking behaviors. Through the bill, the Board will be authorized to receive OARRS information related to RNs and LPNs in addition to the current authority to receive information related to APNs who prescribe. Also, the bill requires the Board to adopt rules related to APN prescribers' access of OARRS profiles related to their patients.

The Board received the Executive Budget Summary for fiscal years 2012-2013. B. Houchen and T. Dilling discussed the budget process and projections for the next biennium.

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

T. Dilling reported on SB 83 and HB 141, Advanced Practice Nurses, regarding expanding the authority of APNs to prescribe Schedule II controlled substances. The Board reviewed letters of support and agreed by general consensus to send the letters to the House and Senate Committees hearing the bills.

### **Legislative Initiatives Summary**

T. Dilling provided a memorandum summarizing the Board legislative initiatives and reported that over the past year, staff have been working with a potential bill sponsor, interested parties and the Legislative Services Commission to draft language for comprehensive revisions to the Nurse Practice Act, Chapter 4723. of the Revised Code. He anticipates the bill will be introduced this spring.

## **APPROVALS**

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

ITT Technical Institute, Associate of Applied Science in Nursing Program – Warrensville Heights

**Action:** It was moved Judith Church, seconded by Roberta Stokes, that the Board grant Conditional approval, in accordance with Rule 4723-5-08, OAC, to ITT Technical Institute, Warrensville Heights-Associate in Applied Science in Nursing Program in Warrensville Heights. It is further moved that the program submit progress reports to the Board on or before October 19, 2011; June 19, 2012; and January 18, 2013. Motion adopted by unanimous vote of the Board members.

ITT Technical Institute, Associate of Applied Science in Nursing Program – Strongsville

**Action:** It was moved by Roberta Stokes, seconded by J. Jane McFee, that the Board grant Conditional approval, in accordance with Rule 4723-5-08, OAC, to ITT Technical Institute, Strongsville-Associate in Applied Science in Nursing Program in Strongsville. It is further moved that the program submit progress reports to the Board on or before October 19, 2011; June 19, 2012; and January 18, 2013. Motion adopted by unanimous vote of the Board members.

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

Felbry College Practical Nurse Program

**Action:** It was moved by Maryam Lyon, seconded by J. Jane McFee, that the Board grant Full approval, in accordance with Rule 4723-5-04, OAC, to Felbry College Practical Nurse Program in Columbus, for a period of two years. It is further moved that the program submit progress reports to the Board on or before August 15, 2011; February 15, 2012; and August 15, 2012. Motion adopted by unanimous vote of the Board members.

Auburn Practical Nursing Program

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that, after consideration of the survey visit report and the Program's response to the report, the Board propose to deny Full approval and withdraw Conditional approval of Auburn Practical Nursing Program in Concord Township, in accordance with Rule 4723-5-04, OAC, and Section 4723.06 (A)(6), ORC, and the terms and conditions of the September 19, 2008 Consent Agreement and the September 25, 2009 Addendum, based on the Program's failure to meet and maintain the standards of education programs established in Chapter 4723-5, OAC, and the requirements of the September 2008 Consent Agreement and 2009 Addendum, and the Board issue a Notice of Opportunity for Hearing in accordance with Chapter 119, ORC. Motion adopted by unanimous vote of the Board members.

**Nursing Education Program Requests**

Otterbein Nursing Program

**Action:** It was moved by Roberta Stokes, seconded by Melissa Meyer, that the Board approve the curriculum revision request, in accordance with Rule 4723-5-16, OAC, submitted by Otterbein Nursing Program, Otterbein College, in Westerville. Motion adopted by unanimous vote of the Board members.

**Nursing Education Program – NCLEX Pass Rates**

Southern State Community College Associate Degree Nursing Program

**Action:** It was moved by Rhonda Barkheimer, seconded by Maryam Lyon, that the Board place Southern State Community College Associate Degree Nursing Program in Hillsboro, on Provisional approval, in accordance with Rule 4723-5-23, OAC. The Board will consider restoring the Program to Full approval status when the Program attains NCLEX-RN pass rates that meet or exceed 95% of the national average for first-time test candidates for at least two consecutive years. Motion adopted by unanimous vote of the Board members.

ATS Institute of Technology Associate of Applied Sciences in Nursing Program

ATS Institute of Technology Associate of Applied Sciences in Nursing Program (Program) has incurred four consecutive years of NCLEX-RN pass rates that are less than ninety-five per cent of the national average for first-time test candidates. In accordance with Rule 4723-5-23, Ohio Administrative Code, the Board is required to place a program on Provisional approval until the program attains a pass rate that meets or exceeds ninety-five percent of the national average for first-time candidates for at least two consecutive years. The Program is currently on Provisional approval.

**Retroactive Approval for Licensees and Certificate Holders**

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that the Board retroactively ratify, as submitted, the licenses and certificates, including temporary work permits, initially issued by the Board of Nursing January 1, 2011 through February 28, 2011, 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; temporary dialysis technician 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.

**EXECUTIVE SESSION**

On Thursday, March 17, 2011:

**Action:** It was moved by Patricia Protopapa that the Board go into Executive Session to discuss pending or imminent court action with legal counsel, and to discuss the appointment, employment, or compensation of a public employee. Motion adopted by roll call vote. Following Executive Session the Board meeting was adjourned and deliberations followed. The Board reported out of Executive Session at 3:00 p.m. on Thursday, March 17, 2011.

**ADJUDICATION AND COMPLIANCE**

Taeryun Lee and her Legal Representative, Jim McGovern, Esq., addressed the Board on Thursday March 18, 2011 at 10:50 a.m. regarding Ms. Lee's Hearing Report and Recommendation pending before the Board. Henry Appel, AAG, responded.

Carrie Lee Butcher and her Legal Representative, Jim McGovern, Esq., addressed the Board on Thursday March 18, 2011 at 11:10 a.m. regarding Ms. Butcher's Hearing Report and Recommendation pending before the Board. Henry Appel, AAG, responded.

**Board Actions**

On Friday, March 18, 2011, Bertha Lovelace requested that each voting Board

member verify that they reviewed in depth all materials by saying "yes" or "no" and that any Board member who had not reviewed the materials refrain from participating in the adjudication of any matter.

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

On Friday, March 18, 2011, the Board considered the following proposed Notices of Opportunity for Hearing that were reviewed by Board members:

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

Camara, Jennifer L., R.N. 285628 (CASE #10-5818); Dennison, Paul T., P.N. 117693 (CASE #10-2246); French, Amy L., R.N. 260378 (CASE #09-5888); Murray, Brittnay D., P.N. 136459 (CASE #10-4552); McLaughlin, Annette Y., P.N. 076240 (CASE #11-0229); Marks, Brandy S., P.N. 133626 (CASE #10-5854); Davis, Shawnae V., R.N. 311613 (CASE #10-3380); Crouch, Heather N., P.N. 111491 (CASE #10-5670); Bangcuyo, Maureen S., R.N. 324488 (CASE #10-4537); Seagle, Valerie J., R.N. 281993 (CASE #09-4817); Jones, Amoni A., P.N. 103148 (CASE #10-5638); McDevitt, John O., R.N. 298339 (CASE #09-5603); Burton, Patrice D., P.N. 084039 (CASE #10-4344); Yates, Christina M., P.N. 124960 (CASE #10-0456); Rublee, Ronda, R.N. 136577 (CASE #10-5105); Marchese, Maria L., R.N. 321084 (CASE #10-4339); Massaro, Brenda K., P.N. 085349 (CASE #10-3104); Harris, Natasha, R.N. 249812 (CASE #10-5310); Hasapes, Barbara, R.N. 175057 (CASE #10-5408); Blanchard, Heather D., R.N. 246327 (CASE #09-4306); Bell, Phyllis Y., P.N. 107189 (CASE #10-2000); Faust, Jacqueline F., R.N. 277162 (CASE #10-1071); Detlef, Kimberly J., P.N. 086382 (CASE #10-3114); Corra, Jennifer S., R.N. 291926 (CASE #11-0167); Bowen, Gretchen L., R.N. 287000 (CASE #09-6589); Quinn, Carey J., R.N. 292720 (CASE #09-0361); Smith, Dustin J., R.N. 315093 (CASE #10-4579); Spino, Sandra M., R.N. 263226, NP 03489, RX 03489 (CASE #09-2550); Helms, Tracy D., R.N. applicant, NP applicant (CASE #10-5696); Leahy, Paula J., R.N. 286562 (CASE #08-3389); Metzler, Madonna L., P.N. 106133 (CASE #10-2359); Boggs, Kathy L., R.N. 276027, P.N. 095925 (CASE #10-0984); Caldwell, April L., P.N. 124912 (CASE #10-3111); Grimshaw, Barbara L., R.N. 147127 (CASE #10-0209); Patzer, Cheryl J., R.N. 147234 (CASE #10-5718); Selby, Alisha, R.N. 344125 (CASE #10-3763); Sullivan, Dawn Y., P.N. 085811 (CASE #09-0529); Richmond, Ronika L., P.N. 118764 (CASE #11-0547); and Hartley, Jessica A., P.N. 116558 (CASE #11-0953).

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

**Action:** It was moved by Janet Arwood, seconded by J. Jane McFee, that the Board issue a Notice of Opportunity for Hearing for violations of Chapter 4723. ORC for Auburn Practical Nursing Program, (CASE #11-0634).

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

Complete copies of the Notices of Opportunity for Hearing shall be maintained in the exhibit book for the March 2011 Board Meeting.

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

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

Valter, Amberly D., P.N. 107010 (CASE #10-2304); Mussell, Heather, P.N. 116113 (CASE #10-0442); Messer, Mary B., R.N. 247189 (CASE #10-1824); Helton, Edith K., R.N. 203185 (CASE #10-3580); Battaglia, Susan M., R.N. 147009 (CASE #10-5060); Daniels, Jason D., P.N. 119017 (CASE #09-6267); Haller, Shannon R., P.N. 090351 (CASE #10-4488); Peters, Judith A., R.N. 108097 (CASE #10-3512); Evans, Joy A., R.N. 214008 (CASE #10-4229); Thomas, Cherie A., R.N. 343110 (CASE #10-3263); and Noonan, Bobbie, R.N. 283881 (CASE #10-3643).

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

Complete copies of the Immediate Suspensions and Notices of Opportunity for Hearing shall be maintained in the exhibit book for the March 2011 Board Meeting.

### **POST IMMEDIATE SUSPENSION NOTICE AND OPPORTUNITY FOR HEARING**

**Action:** It was moved by Susan Morano, seconded by Patricia Protopapa, 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):

Zartman, Lee, P.N. 133238 (CASE #10-4550); wanner, Patricia, R.N. 281419 (CASE #10-5896); Ray, Sharon R., P.N. 103162 (CASE #10-4201); Kizer, Melissa, R.N. 320263 (CASE #10-0564); Ermacora, Melissa M., R.N. 308128 (CASE #10-5061); Marasch, Matthew M., R.N. 336710 (CASE #10-5062); Humphries, Darlene, P.N. 103523 (CASE #10-3760); and Petty, Darrah R., P.N. 123577 (CASE #10-3396).

Motion adopted by majority vote of the Board members with 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 March 2011 Board Meeting.

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

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

Romans, Dara L., R.N. 192133 (CASE #10-5312); SWhitmore, Irvin D., P.N. 141765 (CASE #10-5540); Pownell, Bonnie E., R.N. 258879 (CASE #10-5529); Nash, Amber M., P.N. 136325 (CASE #10-1137); Irwin, Nicole E., P.N. 106149 (CASE #11-0003); Knerr-Markko, Tamara L., R.N. 191422 (CASE #11-0001); Krise , Jennifer L., P.N. 069033 (CASE #11-0004); Foxx, Letrice D., P.N. 115340 (CASE #10-5537); Clark, Angie L., R.N. 303902 (CASE #10-5358); Geer, Talena R., P.N. 137518 (CASE #10-5314); Weiss, Kari L., R.N. 234766 (CASE #11-0546); Walker, Teresa A., P.N. 091755 (CASE #10-5313); Stormer-Washington, Gloria A., R.N. 319042 (CASE #11-0289); Squier, Mariann A., P.N. 132962 (CASE #10-5655); Keyes, Colleen E., R.N. 301722 (CASE #11-0288); Carroll, Nicholas, P.N. 120537 (CASE #11-0293); and Rader, Krista M., P.N. 106861 (CASE #11-0235).

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

Complete copies of the Automatic Suspensions and Notices of Opportunity for Hearing shall be maintained in the exhibit book for the March 2011 Board Meeting.

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

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that the Board issue a Notice of Temporary Suspension and Opportunity for Hearing for violations of Chapter 4723. ORC for the following:

Miller, Brock J., P.N. 119529 (CASE #08-4235); White, Tammy D., P.N. 114293 (CASE #09-5861); Reeder, Sarah K., R.N. 334226 (CASE #11-0216); Mansnerus, Anne H., R.N. 144459 (CASE #10-5541); and McPeek, Brian T., R.N. 341037 (CASE #10-2174).

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

A complete copy of the Temporary Suspension and Notices of Opportunity for Hearing shall be maintained in the exhibit book for the March 2011 Board Meeting.

## **SURRENDERS**

### **Permanent Voluntary Surrender**

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

Horton, John W., R.N. 227572 (CASE #06-2536); Johnson, Shynesha D., P.N. 118329 (CASE #10-2872); Harris, Charlotte D., P.N. 125004 (CASE #10-1480); Harmon, N. Jane D., R.N. 228421 (CASE #10-2729); McCollum, Randall S., D.T. 01633 (CASE #08-1118); and Koreen, Kelly A., P.N. 116388 (CASE #09-4836).

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

Complete copies of the Permanent Voluntary Surrenders shall be maintained in the exhibit book for the March 2011 Board Meeting.

### **Voluntary Retirement**

**Action:** It was moved Janet Arwood, seconded by Susan Morano, that the Board accept the Permanent Voluntary Retirement from the practice of nursing for the followings case(s):

Crothers, Linda L., P.N. 069951, R.N. 222227 (CASE #08-0844).

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

## **WITHDRAWALS**

### **Withdrawal of Notice of Immediate Suspension and Opportunity for Hearing**

**Action:** It was moved by Maryam Lyon, seconded by Janet Arwood that the Board withdraw the Notice of Immediate Suspension for Tackett, Samantha L., R.N. 313266 (CASE #09-6346).

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

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

**Action:** It was moved by J. Jane McFee, seconded by Melissa Meyer, that the Board accept the Voluntary Non-Permanent Withdrawal of Application for Licensure by Examination for the following case(s):

Gabbard, Michelle A., P.N. NCLEX (CASE #10-3364).

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

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

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

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that the Board accept the Voluntary Non-Permanent Withdrawal of Application for Licensure by Endorsement for the following case(s):

Walter, Marcia M., R.N. endorse (CASE #11-0119).

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

### **CONSENT AGREEMENTS**

On Friday March 18, 2011, the Board considered the terms of the following proposed Consent Agreements that were reviewed by Board members.

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, 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):

Frisby, Tondra K., CHW applicant (CASE #10-2611); Cottrell, Brenda F., R.N. 337568 (CASE #10-3231); Killeen, Kimberly D., R.N. 291592 (CASE #10-3506); Mines, Thandiwe J., P.N. NCLEX (CASE #10-5559); West, Natasha N., P.N. NCLEX (CASE #10-3243); Johnson, Ryan M., P.N. NCLEX (CASE #10-4533); Sanders, Emma J., P.N. NCLEX (CASE #10-2938); Grills, Keirra M., P.N. NCLEX (CASE #10-4845); Shaffer, Donielle L., P.N. endorse (CASE #10-5461); Fraley, Anne, R.N. 279835 (CASE #10-4238); Laycox, Michael B., R.N. 138927 (CASE #09-4775); Pearson, Kelvin W., R.N. endorse (CASE #10-2215); Lloyd, Heather A., R.N. 181014 (CASE #10-2177); Mills, Cassandra E., P.N. 112527 (CASE #11-0028); McKinniss, Tammy D., R.N. NCLEX, P.N.134773 (CASE #10-5428); Edgeworth, Bonita A., R.N. 312644 (CASE #09-6021); Taylor, Stanley R., P.N. 113801 (CASE #10-3846); Adkins, Amy M., R.N. 317985 (CASE #10-2678); Strack, Jamie K., P.N. NCLEX (CASE #10-3209); Potts, Richard W., R.N. 334223 (CASE #10-1213); Wilson, Tangie R., P.N. NCLEX (CASE #10-4746); Szabo, Laura L., P.N. endorse (CASE #10-4215); Conger, Lexi B., P.N. NCLEX (CASE #10-0743); Walters, Veronica C., P.N. NCLEX (CASE #10-1017); Banal, Amy S., R.N. 258062 (CASE #09-3752); Sbrocchi, Ronda R., R.N. 250213 (CASE #09-4052); Ours, Julie A., R.N.

243652 (CASE #10-0062); VanDenHaute, Carolyn C., R.N. 329825 (CASE #10-4169); Skorepa, Arthur D., P.N. NCLEX (CASE #10-3784); Rinkus, Sharon L., R.N. 215911 (CASE #11-0099); Garner, Hoyal J., R.N. 336053 (CASE #10-5623); Henry, Erin, R.N. 295496 (CASE #10-5538); McGoun, Maureen M., R.N. 306441 (CASE #10-2822); Church, Stacy R., P.N. 127309 (CASE #09-5614); Wannemacher, Shannon, R.N. 295919 (CASE #10-3071); Masselli, Vivian L., R.N. 265502 (CASE #11-0287); Buesking, Tiffany A., P.N. NCLEX (CASE #09-3466); Loconti, Karlene F., P.N. 117500 (CASE #10-2044); Heine, Leslie A., R.N. NCLEX (CASE #10-4986); Sortman, Robert A., P.N. NCLEX (CASE #10-5342); Evert, Nicholas G., P.N. NCLEX (CASE #10-4991); Wedge, Vickie L., R.N. 155941 (CASE #11-0385); Taylor, Latisha G., P.N. NCLEX (CASE #10-4687); Wilkin, Kristine A., P.N. 127553 (CASE #10-2576); Jeter, Melawn T., P.N. endorse (CASE #10-3317); Belt, Christy L., R.N. 257384 (CASE #10-2096); Carter, Samantha, P.N. 125164 (CASE #09-6217); Liss, Dana J., R.N. 263550 (CASE #08-1240); Andres, Tina M., R.N. 269952 (CASE #10-0210); Van Hauter, Kristen M., R.N. 257093 (CASE #09-5610); Rakestraw, Darshelle A. M., P.N. 125144 (CASE #09-1123); Steverding, Michael E., P.N. 134194 (CASE #10-2250); Gorby, Barbara J, R.N. 262415, NA 02097 (CASE #11-0416); Whisner, Stacy L., R.N. 268932, RXEX2 06117 (CASE #10-0712); Lineback, Jeffrey W., P.N. NCLEX (CASE #10-5272); Johnson, Ashley M., R.N. 336601 (CASE #09-4994); Roose, Tracy L., R.N. 264723 (CASE #09-6626); Dascoli, Carrie J., R.N. 327207 (CASE #10-1760); Piccolo, Bridget D., P.N. 116665 (CASE #10-2723); Keene, Darlene D., R.N. 289456 (CASE #11-0272); Waite, Frances D., R.N. 315021 (CASE #09-4838); Taylor, Mark E., R.N. 186152 (CASE #10-2992); Enfield, James M., R.N. 283994 (CASE #10-0148); Marburger, Patricia A., R.N. 244818 (CASE #10-2479); Davies, Michelle K., P.N. 126162 (CASE #09-5250); Jackson, Frances 'Lynn' L., R.N. 137726 (CASE #11-0147); Wolf, Carrie E., R.N. 332688 (CASE #09-4302); Maschek, Theresa M., R.N. 254843 (CASE #11-0603); Lawson, Joe Ann, R.N. 153003 (CASE #08-3947); Barger, Michelle S., P.N. 090669 (CASE #10-2682); Powell II, Vonzell WV, P.N. 136327 (CASE #10-5533); Kish, Megan, P.N. 116448 (CASE #10-1630); Slaton, Vickie R., R.N. 149709 (CASE #09-4104); Koepf, Kortnie L., R.N. 342075 (CASE #09-2544); McLaughlin, Jaime, R.N. 318124 (CASE #09-6845); Robinson-Brooks, Eiesha M., P.N. NCLEX (CASE #10-3166); Benedict, Ashley R, R.N. NCLEX (CASE #10-5092); Headley, Jennifer A., R.N. endorse (CASE #10-5547); Overholser, Joann, P.N. 115190 (CASE #10-1885); Rindahl, Melissa S., P.N. NCLEX (CASE #10-4964); Santiago-Dubsky, Amy K., P.N. 113560 (CASE #09-4337); Weir (Van Dyke), Heather, P.N. 121984 (CASE #07-1980); Wright, LaShawn D., P.N. NCLEX (CASE #10-5223); Rickett, April S., R.N. 342773 (CASE #10-2924); Joyce, Lisa M., P.N. 131149 (CASE #10-3851); Cain, Charles R., P.N. NCLEX (CASE #10-3210); and DeBerry, Lisa M., P.N. 100414 (CASE #09-5846).

Janet Arwood abstained from voting on the following cases only: Fraley, Anne, R.N. 279835 (CASE #10-4238) and Wolf, Carrie E., R.N. 332688 (CASE #09-4302). Rhonda Barkheimer abstained from voting on Masselli, Vivian L., R.N. 265502 (CASE #11-0287) only. Judith Church abstained from voting on all cases. Susan Morano abstained from voting on the following cases only:

Taylor, Stanley R., P.N. 113801 (CASE #10-3846); Church, Stacy R., P.N. 127309 (CASE #09-5614); Koepf, Kortnie L., R.N. 342075 (CASE #09-2544); Santiago-Dubsky, Amy K., P.N. 113560 (CASE #09-4337); and DeBerry, Lisa M., P.N. 100414 (CASE #09-5846). Patricia Protopapa abstained from voting on the following cases only: Enfield, James M., R.N. 283994 (CASE #10-0148); Marburger, Patricia A., R.N. 244818 (CASE #10-2479); Davies, Michelle K., P.N. 126162 (CASE #09-5250); Jackson, Frances 'Lynn' L., R.N. 137726 (CASE #11-0147); Wolf, Carrie E., R.N. 332688 (CASE #09-4302); Maschek, Theresa M., R.N. 254843 (CASE #11-0603); Lawson, Joe Ann, R.N. 153003 (CASE #08-3947); Barger, Michelle S., P.N. 090669 (CASE #10-2682); Powell II, Vonzell WV, P.N. 136327 (CASE #10-5533); Kish, Megan, P.N. 116448 (CASE #10-1630); Slaton, Vickie R., R.N. 149709 (CASE #09-4104); Koepf, Kortnie L., R.N. 342075 (CASE #09-2544); and McLaughlin, Jaime, R.N. 318124 (CASE #09-6845). Janet Arwood voted no on Lloyd, Heather A., R.N. 181014 (CASE #10-2177) only. Maryam Lyon voted no on the following cases only: Lloyd, Heather A., R.N. 181014 (CASE #10-2177); Ours, Julie A., R.N. 243652 (CASE #10-0062); Loconti, Karlene F., P.N. 117500 (CASE #10-2044); Lineback, Jeffrey W., P.N. NCLEX (CASE #10-5272); Dascoli, Carrie J., R.N. 327207 (CASE #10-1760); and Jackson, Frances 'Lynn' L., R.N. 137726 (CASE #11-0147). J. Jane McFee voted no on the following cases only: Lloyd, Heather A., R.N. 181014 (CASE #10-2177); Buesking, Tiffany A., P.N. NCLEX (CASE #09-3466); Liss, Dana J., R.N. 263550 (CASE #08-1240); and Maschek, Theresa M., R.N. 254843 (CASE #11-0603). Patricia Protopapa voted no on the following cases only: Fraley, Anne, R.N. 279835 (CASE #10-4238) and Laycox, Michael B., R.N. 138927 (CASE #09-4775). Motion adopted by majority vote of the Board members.

Complete copies of the Consent Agreements shall be maintained in the exhibit book for the March 2011 Board Meeting.

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

Bond, Melvin R., R.N. NCLEX (CASE #10-0934)

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that the Board accept all of the Findings of Fact and Conclusions of Law and modify the Recommendation in the Hearing Examiner's Report and Recommendation and ORDERED that **MELVIN R. BOND's** application for licensure by examination to practice nursing as a registered nurse in the state of Ohio is hereby **PERMANENTLY DENIED.**

The rationale for the modification is based upon the following:

The egregiousness of **MR. BOND's** felony conviction and the violence involved in the crime, **MR. BOND's** conflicting testimony as cited by the hearing examiner in page 6 of the Report and Recommendation, and the Board's determination that **MR. BOND's** practice as a nurse would be a threat to public safety.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Scott, Raquel L., P.N. 112466 (CASE #09-4741)

**Action:** It was moved by Maryam Lyon, seconded by Janet Arwood, that the Board accept all of the Findings of Fact, Conclusions of Law, and the Recommendation in the Hearing Examiner's Report and Recommendation and ORDERED that **RAQUEL LYNN SCOTT's** license to practice nursing as a licensed practical nurse in the state of Ohio is hereby **PERMANENTLY REVOKED**.

The Board further Orders **RAQUEL LYNN SCOTT** to surrender the frameable wall certificate for her registered nurse license, P.N. #112466, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Lee, Taeryun C., R.N. NCLEX (CASE #10-1297)

**Action:** It was moved by Maryam Lyon, seconded by Patricia Protopapa, that the Board accept all of the Findings of Fact, Conclusions of Law, and the Recommendation in the Hearing Examiner's Report and Recommendation and ORDERED that **TAERYUN CHOI LEE** be authorized to take the RN NCLEX license examination, and upon passing the examination, **TAERYUN CHOI LEE's** application for licensure to practice nursing as a registered nurse in the state of Ohio shall be hereby granted and subject to a stayed suspension during the probationary terms, conditions, and limitations for a minimum period of two (2) years.

**MS. LEE's license shall be subject to the following probationary terms, conditions, and limitations:**

1. **MS. LEE** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. LEE** 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. LEE** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. LEE**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. LEE'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.

### **Employment Conditions**

4. Prior to accepting employment as a nurse, each time with every employer, **MS. LEE** shall notify the Board.
5. **MS. LEE** 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. The written employer reports shall include an assessment of any noted issues or deficiencies in **MS. LEE's** proficiency in applying the English language in a clinical care setting. **MS. LEE** shall provide her employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. LEE** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. LEE**

6. **MS. LEE** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
7. **MS. LEE** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
8. **MS. LEE** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
9. **MS. LEE** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
10. **MS. LEE** 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.
11. **MS. LEE** shall verify that the reports and documentation required by this Order are received in the Board office.

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

### **FAILURE TO COMPLY**

**The stay of MS. LEE's suspension shall be lifted and MS. LEE's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. LEE** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. LEE** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. LEE** 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. LEE** has complied with all aspects of this Order; and (2) the Board determines that **MS. LEE** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. LEE** and review of the reports as required herein. Any period during which **MS. LEE** 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 18th day of March, 2011.

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

Butcher, Cary L., R.N. NCLEX, P.N. 104869 (CASE #10-0681)

**Action:** It was moved by Melissa Meyer, seconded by Roberta Stokes, that the Board accept all of the Findings of Fact and Conclusions of Law and modify the Recommendation in the Hearing Examiner's Report and Recommendation and ORDERED that **CARY LEE BUTCHER's** license to practice nursing as a licensed practical nurse in the state of Ohio is hereby **PERMANENTLY REVOKED**.

The Board further Orders **CARY LEE BUTCHER** to surrender the frameable wall certificate for her practical nurse license, P.N. # 104869, immediately.

The Board also ORDERED that **CARY LEE BUTCHER's** application for licensure by examination to practice nursing as a registered nurse in the state of Ohio is hereby **PERMANENTLY DENIED**.

The rationale for the modification is the following:

**MS. BUTCHER** had multiple opportunities to stop the inappropriate sexual contact but continued with this behavior, her judgment in this situation demonstrates that she is unable to set appropriate boundaries and this behavior is incompatible with the nursing profession and the safe practice of nursing. The Board has determined that **MS. BUTCHER's** practice as a nurse would pose a threat to public safety.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

Johnnie Maier and J. Jane McFee opposed the motion. Motion adopted by majority vote of the Board members with Judith Church abstaining.

Ambriola, Nikole M., R.N. 290620 (CASE #10-0612)

**Action:** It was moved by Janet Arwood, seconded by J. Jane McFee, that the Board accept all of the Findings of Fact and Conclusions of Law and modify the Recommendation in the Hearing Examiner's Report and Recommendation and ORDERED that **NIKOLE M. AMBRIOLA's** license to practice nursing as a registered nurse in the state of Ohio is hereby **PERMANENTLY REVOKED**.

The Board further Orders **NIKOLE M. AMBRIOLA** to surrender the frameable wall certificate for her registered nurse license, R.N. # 290620, immediately.

The rationale for the modification is the following:

**MS. AMBRIOLA** has a history of Board actions and numerous noncompliance issues. The Board's primary duty is to protect the public and **MS. AMBRIOLA** practice would be a threat to public safety.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Mikhalkevich, Olga, R.N. 284864 (CASE #09-5496)

**Action:** It was moved by Maryam Lyon, seconded by Susan Morano, that the Board accept all of the Findings of Fact, Conclusions of Law, and the Recommendation in the Hearing Examiner's Report and Recommendation and ORDERED that **OLGA MIKHALKEVICH's** license to practice nursing as a registered nurse in the state of Ohio is hereby suspended for an indefinite period of time, but not less than two (2) years, with the conditions for

reinstatement set forth below, and that following reinstatement, the suspension shall be stayed and **MS. MIKHALKEVICH's** license shall be subject to the probationary terms, conditions, and limitations for not less than two (2) years and the **Permanent Narcotic** and **Permanent Practice Restrictions** set forth below.

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

1. **MS. MIKHALKEVICH** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. MIKHALKEVICH** 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. MIKHALKEVICH** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. MIKHALKEVICH**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. MIKHALKEVICH'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. MIKHALKEVICH** 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. MIKHALKEVICH** 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 Medication Administration; eight (8) hours of Ethics; eight (8) hours of Professionalism; eight (8) hours of Patient Safety; eight (8) hours of Patient Rights; and one (1) hour of Ohio nursing law and rules.

### **Monitoring**

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

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

12. After initiating drug screening, **MS. MIKHALKEVICH** 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. MIKHALKEVICH** 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 requesting reinstatement, **MS. MIKHALKEVICH** shall attend a minimum of two (2) meetings per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. MIKHALKEVICH** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Fitness for Duty Evaluation**

14. Prior to requesting reinstatement by the Board, **MS. MIKHALKEVICH** shall, at her own expense, obtain a comprehensive physical examination by a Board approved physician for the purposes of evaluating **MS. MIKHALKEVICH'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. MIKHALKEVICH's** comprehensive physical examination and with a comprehensive assessment regarding **MS. MIKHALKEVICH's** fitness for duty and safety to practice nursing as a licensed practical nurse. Prior to the examination, **MS. MIKHALKEVICH** shall provide the Board approved physician with a copy of this Order and the Notice of Opportunity for Hearing. Further, **MS. MIKHALKEVICH** 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. MIKHALKEVICH's** license to practice, and stating whether **MS. MIKHALKEVICH** 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. MIKHALKEVICH's** license.

#### **Reporting Requirements of MS. MIKHALKEVICH**

16. **MS. MIKHALKEVICH** shall sign release of information forms allowing

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

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

**Following reinstatement, the suspension shall be stayed and MS. MIKHALKEVICH's license shall be subject to the following probationary terms, conditions, and limitations for not less than two (2) years.**

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

### **Monitoring**

3. **MS. MIKHALKEVICH** 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. MIKHALKEVICH's** history. **MS. MIKHALKEVICH** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. MIKHALKEVICH** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. MIKHALKEVICH** 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. MIKHALKEVICH** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. MIKHALKEVICH's** history.
6. **MS. MIKHALKEVICH** 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. MIKHALKEVICH** 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. MIKHALKEVICH** 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. MIKHALKEVICH** 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. MIKHALKEVICH** 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. MIKHALKEVICH** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. MIKHALKEVICH** 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. MIKHALKEVICH** shall notify the Board.
11. **MS. MIKHALKEVICH** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. MIKHALKEVICH** shall provide her employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. MIKHALKEVICH** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. MIKHALKEVICH**

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

#### **Permanent Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

**MS. MIKHALKEVICH** 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. MIKHALKEVICH's** suspension shall be lifted and **MS. MIKHALKEVICH's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. MIKHALKEVICH** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. MIKHALKEVICH** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. MIKHALKEVICH** 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. MIKHALKEVICH** has complied with all aspects of this Order; and (2) the Board determines that **MS. MIKHALKEVICH** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. MIKHALKEVICH** and review of the reports as required herein. Any period during which **MS. MIKHALKEVICH** 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 18th day of March, 2011.

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

Green, Marga M., P.N. 113040 (CASE #09-0093)

**Action:** It was moved by Judith Church, seconded by Melissa Meyer, that the Board accept all of the Findings of Fact and Conclusions of Law and modify the Recommendation in the Hearing Examiner's Report and Recommendation and ORDERED that **MARGA GREEN's** license to practice nursing as a licensed practical nurse in the state of Ohio is hereby suspended for an indefinite period of time, but not less than three (3) years, with the conditions for reinstatement set forth below, and that following reinstatement, the suspension shall be stayed and **MS. GREEN's** license shall be subject to the probationary terms, conditions, and limitations for not less than two (2) years and the **Temporary Narcotic And Permanent Practice Restrictions** set forth below.

The rationale for the modification is the following:

A period of probationary monitoring is required following reinstatement and **MS. GREEN** should be restricted from practicing in unsupervised settings such as home health, agency work, and independent practice. These additional terms are required to ensure the safety of the public.

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

1. **MS. GREEN** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. GREEN** 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. GREEN** shall submit a request to the Bureau of Criminal Identification and Investigation

(BCII) to conduct a criminal records check of **MS. GREEN**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. GREEN'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. GREEN** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education, or other comparable courses approved in advance by the Board, taken subsequent to the effective date of this Order:
  - a. 5.4 hours of Professional Accountability and Legal Liability of Nurses;
  - b. 30 hours of Chemical Dependency;
  - c. 12 hours of Administering Medications to Elderly Patients, Parts 1, 2, and 3;
  - d. 4 hours of Safe Medication Administration: Every Patient's Rights;
  - e. 3.8 hours of The Best Defense is a Good Documentation Offense; and
  - f. 1 hour of Document It Right: Would Your Charting Stand Up to Scrutiny.

### **Monitoring**

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

standards of safe nursing care.

8. **MS. GREEN** 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. GREEN's** license.
9. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. GREEN** 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. GREEN'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. GREEN** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. GREEN's** history.
10. Within thirty (30) days prior to **MS. GREEN** initiating drug screening, **MS. GREEN** 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. GREEN**.
11. After initiating drug screening, **MS. GREEN** 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. GREEN** 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. GREEN** shall attend a minimum of two (2) meetings per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. GREEN** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

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

13. **Prior to requesting reinstatement by the Board, MS. GREEN** 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. GREEN** shall have the educator provide the Board with a written report of an assessment of **MS. GREEN**, which identifies **MS. GREEN's** knowledge/practice deficiencies and remedial educational needs. Prior to the assessment, **MS. GREEN** 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. GREEN** 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. GREEN's** employer(s), former employers, and Board staff. Following the assessment, **MS. GREEN** shall have the educator provide the Board with a copy of a learning plan developed by the educator for **MS. GREEN** and shall obtain approval of the learning plan by the Board or its designee. The learning plan shall identify specific remediation that **MS. GREEN** 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. GREEN** shall complete such learning plan. Prior to seeking reinstatement by the Board, **MS. GREEN** 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. GREEN** has successfully completed the learning plan and prior to seeking reinstatement by the Board, the educator shall provide the Board with an assessment and any recommendations for additional remedial education and/or restrictions that should be placed on **MS. GREEN's** license to practice. Furthermore, the educator shall provide to the Board a written opinion stating whether **MS. GREEN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care. **MS. GREEN** shall be responsible for all costs associated with meeting this requirement.
14. The Board may utilize the educator's recommendations and conclusions from the assessment as a basis for additional terms, conditions, and limitations on **MS. GREEN's** license.
15. In the event that the educator's recommendations require **MS. GREEN** to have an active nursing license, the Board, prior to reinstatement of her license, may issue **MS. GREEN** 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. GREEN'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. GREEN's** license shall be terminated. **MS. GREEN** agrees that she 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.

### **Reporting Requirements of MS. GREEN**

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

**Following reinstatement, the suspension shall be stayed and MS. GREEN's license shall be subject to the following probationary terms, conditions, and limitations for not less than three (3) years.**

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

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

### **Monitoring**

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

9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. GREEN** 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. GREEN** shall notify the Board.
11. **MS. GREEN** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. GREEN** shall provide her employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. GREEN** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. GREEN**

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

### **Temporary Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

**MS. GREEN** 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. GREEN's suspension shall be lifted and MS. GREEN's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. GREEN** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. GREEN** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. GREEN** 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. GREEN** has complied with all aspects of this Order; and (2) the Board determines that **MS. GREEN** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. GREEN** and review of the reports as required herein. Any period during which **MS. GREEN** 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 18th day of March, 2011.

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

Norman, Kelley R., R.N. NCLEX P.N. 085101 (CASE #10-1116)

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that the Board accept all of the Findings of Fact and Conclusions of Law and modify the Recommendation in the Hearing Examiner's Report and Recommendation and ORDERED that **KELLEY RENEA NORMAN's** license to practice nursing as a licensed practical nurse in the state of Ohio is hereby **PERMANENTLY REVOKED**.

The Board further Orders **KELLEY RENEA NORMAN** to surrender the frameable wall certificate for her practical nurse license, P.N. # 085101, immediately.

The Board also ORDERED that **KELLEY RENEA NORMAN's** application for licensure by examination to practice nursing as a registered nurse in the state of Ohio is hereby **PERMANENTLY DENIED**.

The rationale for the modification is the following:

**MS. NORMAN** used extremely poor judgment regarding her behavior, was convicted of a crime involving conveyance of drugs into a detention facility and lied to the Board about the conviction, and shows no accountability for her actions.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Shook, Dana L., R.N. 239049 (CASE #09-0159)

**Action:** It was moved by Patricia Protopapa, seconded by Susan Morano, that the Board accept all of the Findings of Fact, Conclusions of Law, and the Recommendation in the Hearing Examiner's Report and Recommendation and

ORDERED that **DANA LYNN SHOOK's** license to practice nursing as a registered nurse in the state of Ohio is hereby suspended for an indefinite period of time, but not less than three (3) years, with the conditions for reinstatement set forth below, and that following reinstatement, the suspension shall be stayed and **MS. SHOOK's** license shall be subject to the probationary terms, conditions, and limitations 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. SHOOK** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. SHOOK** 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. SHOOK** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. SHOOK**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. SHOOK'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. SHOOK** 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. SHOOK's** history. **MS. SHOOK** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MS. SHOOK** shall abstain completely from the use of alcohol.
6. **Prior to requesting reinstatement by the Board, MS. SHOOK** 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. SHOOK** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. SHOOK** 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. SHOOK's** license, and a statement as to whether **MS. SHOOK** is

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

7. **MS. SHOOK** 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. SHOOK's** license.
8. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. SHOOK** 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. SHOOK'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. SHOOK** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SHOOK's** history.
9. Within thirty (30) days prior to **MS. SHOOK** initiating drug screening, **MS. SHOOK** 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. SHOOK**.
10. After initiating drug screening, **MS. SHOOK** 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. SHOOK** 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. SHOOK** shall attend a minimum of two (2) meetings per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. SHOOK** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

### **Reporting Requirements of MS. SHOOK**

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

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

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

### **Monitoring**

3. **MS. SHOOK** 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. SHOOK's** history. **MS. SHOOK** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. SHOOK** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. SHOOK** 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. SHOOK** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SHOOK's** history.
6. **MS. SHOOK** 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. SHOOK** 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. SHOOK** 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. SHOOK** 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. SHOOK** 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. SHOOK** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. SHOOK** 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. SHOOK** shall notify the Board.
11. **MS. SHOOK** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. SHOOK** shall provide her employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. SHOOK** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. SHOOK**

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

Board.

### **Permanent Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

**MS. SHOOK** 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. SHOOK's suspension shall be lifted and MS. SHOOK's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. SHOOK** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. SHOOK** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. SHOOK** 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. SHOOK** has complied with all aspects of this Order; and (2) the Board determines that **MS. SHOOK** is able to practice according to acceptable and prevailing standards of safe nursing care without

Board monitoring, based upon an interview with **MS. SHOOK** and review of the reports as required herein. Any period during which **MS. SHOOK** 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 18th day of March, 2011.

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

James, Blenda J., R.N. 106873 (CASE #09-4369)

**Action:** It was moved by Janet Arwood, seconded by Judith Church, that the Board accept all of the Findings of Fact and Conclusions of Law and modified the Recommendation in the Hearing Examiner's Report and Recommendation and ORDERED that the legal charge based upon Section 4723.28(B)(4), ORC, set forth in Item 1. of the November 2009 Notice is hereby dismissed. The rationale for the modification is that **MS. JAMES** presented evidence subsequent to the hearing showing that her criminal case, upon which the Section 4723.28(B)(4), ORC charge was based, was expunged.

The finding regarding the charge in Item 2. of the November 2009 Notice based on a violation of Section 4723.28(B)(16), ORC and Rule 4723-4-06(P), Ohio Administrative Code, is supported and based on that violation, the Board ORDERED that **BLENDA J. JAMES's** application for renewal as a registered nurse in the state of Ohio is hereby denied. **MS. JAMES** may submit an application for reinstatement of her license after she has met the reinstatement conditions set forth below. Following reinstatement, MS. JAMES's license shall be subject to the probationary terms, conditions, and limitations for a minimum period of one (1) year.

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

1. **MS. JAMES** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. JAMES** 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. JAMES** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. JAMES**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. JAMES'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. JAMES** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education, or other comparable courses approved in advance by the Board, taken subsequent to the effective date of this Order:
  - a. 5.4 hours of Professional Accountability and Legal Liability for Nurses;
  - b. 1.5 hours of The Scopes of Practice for Ohio RNs; and
  - c. 30 hours of Surviving and Thriving in Nursing.

#### **Reporting Requirements of MS. JAMES**

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

**Following reinstatement, the suspension shall be stayed and MS. JAMES's license shall be subject to the following probationary terms, conditions, and limitations for a minimum period of one (1) year.**

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

### **Employment Conditions**

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

### **Reporting Requirements of MS. JAMES**

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

### **FAILURE TO COMPLY**

**The stay of MS. JAMES's suspension shall be lifted and MS. JAMES's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. JAMES** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. JAMES** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. JAMES** 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. JAMES** has complied with all aspects of this Order; and (2) the Board determines that **MS. JAMES** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. JAMES** and review of the reports as required herein. Any period during which **MS. JAMES** 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 18th day of March, 2011.

Motion adopted by majority vote of the Board members with Patricia Protopapa abstaining.

Alagbe, Rosy U., R.N. NCLEX, P.N. 118353 (CASE #10-1155)

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that the Board accept all of the Findings of Fact, Conclusions of Law, and modify the Recommendation in the Hearing Examiner's Report and Recommendation, with the modification to the Recommendation noted below, and ORDERED that the charge cited in Item 1. of the May 2010 Notice be dismissed due to the lack of evidence supporting the Section 4723.28(B)(4), ORC, allegation.

The Board ORDERED that **ROSY U. ALAGBE's** license to practice nursing as a licensed practical nurse in the state of Ohio be suspended for a period of not less than one (1) year, with conditions for reinstatement set forth below, and that following reinstatement, the suspension shall be stayed and **MS. ALAGBE's** license shall be subject to the probationary terms, conditions, and limitations for not less than two (2) years and the PERMANENT PRACTICE RESTRICTIONS set forth below.

The Board further ORDERED that **ROSY U. ALAGBE's** application for licensure by examination to practice as a registered nurse in the state of Ohio be denied for an indefinite period of time, with conditions for re-application set forth below, and that, should MS. ALAGBE meet the conditions for re-application and the requirements for a registered nurse license, she be issued a registered nurse license, subject to the probationary terms, conditions and limitations, set forth below, for a period of not less than two (2) years, and the PERMANENT PRACTICE RESTRICTIONS set forth below.

The rationale for the modification of the Recommendation of the Hearing Examiner regarding the imposition of permanent practice restrictions with regard to **MS. ALAGBE's** registered nurse license is that this restriction is consistent with the permanent practice restrictions imposed with regard to her licensed practical nurse license and is based upon the same considerations.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT OF PRACTICAL NURSE LICENSE**

1. **MS. ALAGBE** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. ALAGBE** 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. ALAGBE** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. ALAGBE**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. ALAGBE'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. ALAGBE** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education, or other comparable courses approved in advance by the Board, taken subsequent to the effective date of this Order:

- a. 24 hours of Documentation for Nurses;
- b. 15 hours of Ethical Decision Making; and
- c. 5.4 hours of Professional Accountability and Legal Liability for Nurses.

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

5. **Prior to requesting reinstatement by the Board, MS. ALAGBE** 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. ALAGBE** shall have the educator provide the Board with a written report of an assessment of **MS. ALAGBE**, which identifies **MS. ALAGBE's** knowledge/practice deficiencies and remedial educational needs, including but not limited to documentation and patient record maintenance. Prior to the assessment, **MS. ALAGBE** 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. ALAGBE** 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. ALAGBE's** employer(s), former employers, and Board staff. Following the assessment, **MS. ALAGBE** shall have the educator provide the Board with a copy of a learning plan developed by the educator for **MS. ALAGBE** and shall obtain approval of the learning plan by the Board or its designee. The learning plan shall identify specific remediation that **MS. ALAGBE** 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. ALAGBE** shall complete such learning plan. Prior to seeking reinstatement by the Board, **MS. ALAGBE** 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. ALAGBE** has successfully completed the learning plan and prior to seeking reinstatement by the Board, the educator shall provide the Board with an assessment and any recommendations for additional remedial education and/or restrictions that should be placed on **MS. ALAGBE's** license to practice. Furthermore, the educator shall provide to the Board a written opinion stating whether **MS. ALAGBE** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care. **MS. ALAGBE** 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. ALAGBE's** license.
7. In the event that the educator's recommendations require **MS. ALAGBE**

to have an active nursing license, the Board, prior to reinstatement of her license, may issue **MS. ALAGBE** 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. ALAGBE'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. ALAGBE's** license shall be terminated. **MS. ALAGBE** agrees that she 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.

### **Reporting Requirements of MS. ALAGBE**

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

interview with **MS. ALAGBE** and review of the documentation specified in this Order.

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

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

### **Employment Conditions**

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

### **Reporting Requirements of MS. ALAGBE**

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

### **Permanent Practice Restrictions**

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

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

### **REQUIREMENTS AND CONDITIONS FOR RE-APPLICATION FOR REGISTERED NURSE LICENSE**

1. **MS. ALAGBE** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. ALAGBE** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **MS. ALAGBE** shall successfully complete the reinstatement conditions and the probationary terms, conditions, and limitations imposed on her license to practice nursing as a licensed practical nurse in the state of Ohio.

### **Reporting Requirements of MS. ALAGBE**

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

this Order are received in the Board office.

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

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

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

### **Employment Conditions**

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

### **Reporting Requirements of MS. ALAGBE**

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

#### **Permanent Practice Restrictions**

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

**MS. ALAGBE** 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. ALAGBE's suspension shall be lifted and MS. ALAGBE's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. ALAGBE** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. ALAGBE** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. ALAGBE** 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. ALAGBE** has complied with all aspects of this Order; and (2) the Board determines that **MS. ALAGBE** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. ALAGBE** and review of the reports as required herein. Any period during which **MS. ALAGBE** 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 18th day of March, 2011.

Motion adopted by unanimous vote of the Board.

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

Young, Christopher M., P.N. 122557 (CASE #10-3503)

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that upon consideration of the charges stated against **CHRISTOPHER YOUNG** in the September 24, 2010 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. YOUNG** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Automatic Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MR. YOUNG'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, **MR. YOUNG'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 and the **Temporary Narcotic** and **Permanent Practice Restrictions** set forth below.

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

1. **MR. YOUNG** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. YOUNG** 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. YOUNG** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MR. YOUNG**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MR. YOUNG'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. YOUNG** 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. YOUNG's** history. **MR. YOUNG** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MR. YOUNG** shall abstain completely from the use of alcohol.
6. **Prior to requesting reinstatement by the Board, MR. YOUNG** 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. YOUNG** shall provide the chemical dependency professional with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing. Further, **MR. YOUNG** 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. YOUNG's** license, and a statement as to whether **MR. YOUNG** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MR. YOUNG** 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. YOUNG's** license.
8. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MR. YOUNG** 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. YOUNG'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. YOUNG** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. YOUNG's** history.

9. Within thirty (30) days prior to **MR. YOUNG** initiating drug screening, **MR. YOUNG** 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. YOUNG**.
10. After initiating drug screening, **MR. YOUNG** 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. YOUNG** 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. YOUNG** 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. YOUNG** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
12. **Prior to requesting reinstatement by the Board, MR. YOUNG** shall, at his own expense, obtain a comprehensive physical examination by a Board approved physician for the purposes of evaluating **MR. YOUNG'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 **MR. YOUNG's** comprehensive physical examination and with a comprehensive assessment regarding **MR. YOUNG's** fitness for duty and safety to practice nursing as a licensed practical nurse. Prior to the examination, **MR. YOUNG** shall provide the Board approved physician with a copy of this Order and the Notice of Automatic Suspension and Opportunity for Hearing. Further, **MR. YOUNG** 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 **MR. YOUNG's** license to practice, and stating whether **MR. YOUNG** 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

**MR. YOUNG's** license.

### **Reporting Requirements of MR. YOUNG**

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

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

1. **MR. YOUNG** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. YOUNG** 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. YOUNG** 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. YOUNG's** history. **MR. YOUNG** shall self-administer prescribed drugs only in the manner prescribed.
4. **MR. YOUNG** shall abstain completely from the use of alcohol.
5. During the probationary period, **MR. YOUNG** 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. YOUNG** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. YOUNG's** history.
6. **MR. YOUNG** 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. YOUNG** 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. YOUNG** 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. YOUNG** 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. YOUNG** 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. YOUNG** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MR. YOUNG** 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. YOUNG** shall notify the Board.
11. **MR. YOUNG** shall have his employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MR. YOUNG** shall provide his employer(s) with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing and shall have his employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received. Further, **MR. YOUNG** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MR. YOUNG**

12. **MR. YOUNG** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MR. YOUNG** 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. YOUNG** 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. YOUNG** 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. YOUNG** 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. YOUNG** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MR. YOUNG** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.
19. Prior to working as a nurse, if requested by the Board or its designee, **MR.**

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

### **Temporary Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

**MR. YOUNG** 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. YOUNG's suspension shall be lifted and MR. YOUNG's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MR. YOUNG** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MR. YOUNG** via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, **MR. YOUNG** 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. YOUNG** has complied with all aspects of this Order; and (2) the Board determines that **MR. YOUNG** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MR. YOUNG** and review of the reports as required herein. Any period during which **MR. YOUNG** 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 18th day of March, 2011.

Motion adopted by unanimous vote of the Board members.

Smith, Bianca L., P.N. 138668 (CASE #10-2851)

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that upon consideration of the charges stated against **BIANCA LOREN SMITH** in the September 24, 2010 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. The Ohio Board of Nursing ORDERS that **MS. SMITH'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **BIANCA LOREN SMITH** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #138668, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Thompson, Lea, R.N. 317388 (CASE #10-0766)

**Action:** It was moved by Rhonda Barkheimer, seconded by Maryam Lyon, that upon consideration of the charges stated against **LEA WHITEHEAD THOMPSON** in the July 30, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. THOMPSON** 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. THOMPSON'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **LEA WHITEHEAD THOMPSON** to surrender her frameable wall certificate for her registered nurse license, R.N. #317388, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Schimpf, Patricia J., R.N. 283387 (CASE #10-2357)

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that upon consideration of the charges stated against **PATRICIA JOAN SCHIMPF** in the July 1, 2010 Order of Summary Suspension and Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. SCHIMPF** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Order of Summary Suspension and Notice of Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MS. SCHIMPF'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **PATRICIA JOAN SCHIMPF** to surrender her frameable wall certificate for her registered nurse license, R.N. #283387, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Lemmings, Michelle R., R.N. 247024 (CASE #10-1747)

**Action:** It was moved Janet Arwood, seconded by Melissa Meyer, that upon consideration of the charges stated against **MICHELLE RENEA LEMMINGS** in the July 30, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. LEMMINGS** 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. LEMMINGS'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.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. LEMMINGS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. LEMMINGS** 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. LEMMINGS** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. LEMMINGS**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. LEMMINGS'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. **MS. LEMMINGS** shall successfully comply with the terms, conditions, and limitations imposed on **MS. LEMMINGS's** nursing license by the Order of the Florida Department of Health, Board of Nursing ("Florida Board"). **Prior to requesting reinstatement by the Board, MS. LEMMINGS** shall submit satisfactory documentation from the Florida Board that **MS. LEMMINGS** is in compliance with all terms, conditions, and limitations imposed on **MS. LEMMINGS's** Florida nursing license, and that **MS. LEMMINGS's** Florida license is unrestricted.

#### **Reporting Requirements of MS. LEMMINGS**

5. **MS. LEMMINGS** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
6. **MS. LEMMINGS** 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. LEMMINGS** 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. LEMMINGS** 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. LEMMINGS** 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. LEMMINGS** shall verify that the reports and documentation required by this Order are received in the Board office.
11. **MS. LEMMINGS** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
12. Prior to working as a nurse, if requested by the Board or its designee, **MS. LEMMINGS** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

#### **DURATION**

The Board may only alter the indefinite suspension imposed if: (1) **MS. LEMMINGS** submits a written request for reinstatement; (2) the Board determines that **MS. LEMMINGS** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. LEMMINGS** is able to

practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. LEMMINGS** and review of the documentation specified in this Order.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Gradisher, Beth L., P.N. 081472 (CASE #10-2715)

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that upon consideration of the charges stated against **BETH L. GRADISHER** in the September 24, 2010 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. GRADISHER** 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. GRADISHER'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. GRADISHER's** license shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years, with **Permanent Practice Restrictions** set forth below.

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

1. **MS. GRADISHER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. GRADISHER** 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. GRADISHER** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. GRADISHER**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. GRADISHER'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. GRADISHER** 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 Professionalism and eight (8) hours of Ethics.

### **Monitoring**

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

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

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

#### **Reporting Requirements of MS. GRADISHER**

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

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

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

1. **MS. GRADISHER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. GRADISHER** 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. GRADISHER** 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. GRADISHER's** history. **MS. GRADISHER** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. GRADISHER** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. GRADISHER** 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. GRADISHER** shall be negative, except for substances

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

6. **MS. GRADISHER** 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. GRADISHER** 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. GRADISHER** 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. GRADISHER** 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. GRADISHER** 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. GRADISHER** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. GRADISHER** 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. GRADISHER** shall notify the Board.
11. **MS. GRADISHER** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. GRADISHER** shall provide her employer(s) with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. GRADISHER** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. GRADISHER**

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

### **Permanent Practice Restrictions**

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

**MS. GRADISHER** 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. GRADISHER's suspension shall be lifted and MS. GRADISHER's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. GRADISHER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. GRADISHER** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. GRADISHER** 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. GRADISHER** has complied with all aspects of this Order; and (2) the Board determines that **MS. GRADISHER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. GRADISHER** and review of the reports as required herein. Any period during which **MS. GRADISHER** 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 18th day of March, 2011.

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

Booth, Yvonne, P.N. 112627 (CASE #09-5248)

**Action:** It was moved by Patricia Protopapa, seconded by Roberta Stokes, that upon consideration of the charges stated against **YVONNIE BOOTH** in the September 24, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. BOOTH** 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. BOOTH'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. BOOTH's** license shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years, with **Permanent Practice Restrictions** set forth below.

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

1. **MS. BOOTH** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. BOOTH** 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. BOOTH** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. BOOTH**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. BOOTH'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. BOOTH** 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 Professionalism and ten (10) hours of Ethics.

### **Monitoring**

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

### **Reporting Requirements of MS. BOOTH**

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

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

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

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

#### **Reporting Requirements of MS. BOOTH**

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

### **Permanent Practice Restrictions**

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

**MS. BOOTH** 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. BOOTH's suspension shall be lifted and MS. BOOTH's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. BOOTH** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. BOOTH** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. BOOTH** 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. BOOTH** has complied with all aspects of this Order; and (2) the Board determines that **MS. BOOTH** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. BOOTH** and review of the reports as required herein. Any period during which **MS. BOOTH** 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 18th day of March, 2011.

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

Richard, Brian E., R.N. 310100 (CASE #06-0379)

**Action:** It was moved by Johnnie Maier, seconded by J. Jane McFee, that upon consideration of the charges stated against **BRIAN EDWARD RICHARD** in the July 20, 2007 Notice of Opportunity for Hearing and evidence supporting

the charges, the Board finds that **MR. RICHARD** 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 **MR. RICHARD'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **BRIAN EDWARD RICHARD** to surrender his frameable wall certificate for his registered nurse license R.N. #310100, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Mirgon, Jessica, P.N. 105474 (CASE #10-0025)

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that upon consideration of the charges stated against **JESSICA JO MIRGON** in the February 8, 2010 Notice of Immediate Suspension and the March 19, 2010 Notice Opportunity for Hearing ("the Notices") and evidence supporting the charges, the Board finds that **MS. MIRGON** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notices, and the Ohio Board of Nursing ORDERS that **MS. MIRGON's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time, with the conditions for reinstatement set forth below, and that following reinstatement, **MS. MIRGON's** license 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. MIRGON** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. MIRGON** 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. MIRGON** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. MIRGON**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. MIRGON'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. MIRGON** 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. MIRGON** shall submit documentation of her release from incarceration and documentation of her full completion of any probationary terms and conditions imposed by the Muskingum County Court of Common Pleas Case Number 2009CR0270.

### **Monitoring**

6. **MS. MIRGON** 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. MIRGON's** history. **MS. MIRGON** shall self-administer the prescribed drugs only in the manner prescribed.
7. **MS. MIRGON** shall abstain completely from the use of alcohol.
8. **Prior to requesting reinstatement by the Board, MS. MIRGON** 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. MIRGON** shall provide the chemical dependency professional with a copy of this Order and Notices. Further, **MS. MIRGON** 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. MIRGON's** license, and a statement as to whether **MS. MIRGON** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
9. **MS. MIRGON** 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. MIRGON's** license.
10. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. MIRGON** 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. MIRGON'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. MIRGON** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. MIRGON's** history.

11. Within thirty (30) days prior to **MS. MIRGON** initiating drug screening, **MS. MIRGON** 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. MIRGON**.
12. After initiating drug screening, **MS. MIRGON** 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. MIRGON** 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 requesting reinstatement, **MS. MIRGON** 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. MIRGON** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. MIRGON**

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

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

1. **MS. MIRGON** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. MIRGON** 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. MIRGON** 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. MIRGON's** history. **MS. MIRGON** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. MIRGON** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. MIRGON** 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. MIRGON** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. MIRGON's** history.

6. **MS. MIRGON** 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. MIRGON** 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. MIRGON** 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. MIRGON** 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. MIRGON** 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. MIRGON** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. MIRGON** 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. MIRGON** shall notify the Board.
11. **MS. MIRGON** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. MIRGON** shall provide her employer(s) with a copy of this Order and the Notices and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and the Notices, including the date they were received. Further, **MS. MIRGON** is under a continuing duty to provide a copy of this Order and the Notices to any new employer prior to accepting employment.

### **Reporting Requirements of MS. MIRGON**

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

### **Permanent Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

**MS. MIRGON** 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. MIRGON's suspension shall be lifted and MS. MIRGON's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. MIRGON** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. MIRGON** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. MIRGON** 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. MIRGON** has complied with all aspects of this Order; and (2) the Board determines that **MS. MIRGON** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. MIRGON** and review of the reports as required herein. Any period during which **MS. MIRGON** 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 18th day of March, 2011.

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

Beall, Courtney E., R.N. 250816 (CASE #10-3066)

**Action:** It was moved by Janet Arwood, seconded by Roberta Stokes, that upon consideration of the charges stated against **COURTNEY EDGAR BEALL** in the September 24, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. BEALL** 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. BEALL'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.

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

1. **MR. BEALL** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. BEALL** 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, MR. BEALL** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MR. BEALL**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MR. BEALL'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, MR. BEALL** shall submit satisfactory documentation from the West Virginia State Board of Examiners for Registered Professional Nurses that **MR. BEALL** is in compliance with all terms, conditions, and limitations imposed on **MR. BEALL's** West Virginia nursing license, and that **MR. BEALL's** West Virginia license is unrestricted.

### **Reporting Requirements of MR. BEALL**

5. **MR. BEALL** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
6. **MR. BEALL** 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. **MR. BEALL** 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. BEALL** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
9. **MR. BEALL** 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. BEALL** shall verify that the reports and documentation required by this Order are received in the Board office.
11. **MR. BEALL** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
12. Prior to working as a nurse, if requested by the Board or its designee, **MR. BEALL** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

### **DURATION**

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

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Bradbury, Jaclyn P., R.N. 333321 (CASE #09-3666)

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that upon consideration of the charges stated against **JACLYN P. BRADBURY** in the November 19, 2010 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. BRADBURY** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Immediate Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. BRADBURY'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. BRADBURY'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. BRADBURY** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.

2. **MS. BRADBURY** 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. BRADBURY** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. BRADBURY**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. BRADBURY'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. BRADBURY** 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. BRADBURY** shall submit documentation of her completion of the terms and conditions imposed by the Meigs County Court of Common Pleas Case Number 09-CR-165.

### **Monitoring**

6. **MS. BRADBURY** 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. BRADBURY's** history. **MS. BRADBURY** shall self-administer the prescribed drugs only in the manner prescribed.
7. **MS. BRADBURY** shall abstain completely from the use of alcohol.
8. **Prior to requesting reinstatement by the Board, MS. BRADBURY** 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. BRADBURY** shall provide the chemical dependency professional with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing. Further, **MS. BRADBURY** 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. BRADBURY's** license, and a statement as to whether **MS. BRADBURY** is capable of practicing nursing according to acceptable and

prevailing standards of safe nursing care.

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

### **Reporting Requirements of MS. BRADBURY**

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

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

1. **MS. BRADBURY** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. BRADBURY** 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. BRADBURY** 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. BRADBURY's** history. **MS. BRADBURY** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. BRADBURY** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. BRADBURY** 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. BRADBURY** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. BRADBURY's** history.
6. **MS. BRADBURY** 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. BRADBURY** 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. BRADBURY** 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. BRADBURY** 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. BRADBURY** 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. BRADBURY** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. BRADBURY** 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. BRADBURY** shall notify the Board.
11. **MS. BRADBURY** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. BRADBURY** shall provide her employer(s) with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. BRADBURY** is under a continuing duty to provide a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. BRADBURY**

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

#### **Permanent Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

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

this Order; and (2) the Board determines that **MS. BRADBURY** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. BRADBURY** and review of the reports as required herein. Any period during which **MS. BRADBURY** 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 18th day of March, 2011.

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

Brodeur, Dion W., R.N. 324461 (CASE #09-5623)

**Action:** It was moved by Janet Arwood, seconded by Melissa Meyer, that upon consideration of the charges stated against **DION WILLIAM BRODEUR** in the November 1, 2010 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. BRODEUR** 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 **MR. BRODEUR'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **DION WILLIAM BRODEUR** to surrender his frameable wall certificate for his registered nurse license R.N. #324461, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Pagniano, Judith E., P.N. 097110 (CASE #10-4165)

**Action:** It was moved by Roberta Stokes, seconded by Melissa Meyer, that upon consideration of the charges stated against **JUDITH ELLEN PAGNIANO** in the November 19, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. PAGNIANO** 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. PAGNIANO'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **JUDITH ELLEN PAGNIANO** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #097110, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Pope, Lisa D., R.N. 258208 (CASE #09-1608)

**Action:** It was moved by Janet Arwood, seconded by J. Jane McFee, that upon consideration of the charges stated against **LISA DONIA POPE** in the November 19, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. POPE** 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. POPE'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **LISA DONIA POPE** to surrender her frameable wall certificate for her registered nurse license, R.N. #258208, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Halicki, Janet M., R.N. 193115 (CASE #10-1814)

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that upon consideration of the charges stated against **JANET HALICKI** in the July 30, 2010 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. HALICKI** 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. HALICKI'S** license to practice nursing as a registered nurse is suspended for an indefinite period of time but not less than three (3) months with the conditions for reinstatement set forth below, and that following reinstatement, **MS. HALICKI'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 until at least July 2012, and the **Temporary Practice Restrictions** set forth below.

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

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

3. **Prior to requesting reinstatement by the Board, MS. HALICKI** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. HALICKI**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. HALICKI'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. HALICKI** 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. HALICKI** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: ten (10) hours of Ethics, two (2) hours of Critical Thinking, and ten (10) hours of Professionalism.

#### **Reporting Requirements of MS. HALICKI**

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

**Following reinstatement, the suspension shall be stayed and MS. HALICKI's license shall be subject to the following probationary terms, conditions, and limitations until at least July 2012.**

1. **MS. HALICKI** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HALICKI** 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. HALICKI** shall notify the Board.
4. **MS. HALICKI** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. HALICKI** shall provide her employer(s) with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. HALICKI** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. HALICKI**

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

#### **Temporary Practice Restrictions**

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

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

nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. HALICKI** 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. HALICKI** has complied with all aspects of this Order; and (2) the Board determines that **MS. HALICKI** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. HALICKI** and review of the reports as required herein. Any period during which **MS. HALICKI** 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 18th day of March, 2011.

Motion adopted by majority vote of the Board members with Judith Church and Patricia Protopapa abstaining.

Kraft, Robyn L., R.N. 311443 (CASE #10-3261)

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that upon consideration of the charges stated against **ROBYN LEANNE KRAFT** in the November 19, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. KRAFT** 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. KRAFT'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. KRAFT'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. KRAFT** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. KRAFT** 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. KRAFT** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. KRAFT**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. KRAFT'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. KRAFT** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education, or other comparable courses approved in advance by the Board, taken subsequent to the effective date of this Order: 1 hour of "Drugs & the RN: Reclaiming your career," 30 hours of "Drug abuse prevention: Living drug-free," and 5.4 hours of "Professional accountability and legal liability for nurses."

### **Monitoring**

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

14. **MS. KRAFT** 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. KRAFT's** license.
15. **Prior to requesting reinstatement by the Board, MS. KRAFT** shall, at her own expense, obtain a comprehensive physical examination by a Board approved physician for the purposes of evaluating **MS. KRAFT'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. KRAFT's** comprehensive physical examination and with a comprehensive assessment regarding **MS. KRAFT's** fitness for duty and safety to practice nursing as a licensed practical nurse. Prior to the examination, **MS. KRAFT** shall provide the Board approved physician with a copy of this Order and the Notice of Opportunity for Hearing. Further, **MS. KRAFT** 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. KRAFT's** license to practice, and stating whether **MS. KRAFT** 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. KRAFT's** license.

#### **Reporting Requirements of MS. KRAFT**

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

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

1. **MS. KRAFT** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. KRAFT** 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. KRAFT** 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. KRAFT's** history. **MS. KRAFT** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. KRAFT** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. KRAFT** 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. KRAFT**

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

6. **MS. KRAFT** 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. KRAFT** 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. KRAFT** 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. KRAFT** 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. KRAFT** 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. KRAFT** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. KRAFT** 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. KRAFT** shall notify the Board.
11. **MS. KRAFT** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. KRAFT** shall provide her employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. KRAFT** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. KRAFT**

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

#### **Permanent Practice Restrictions**

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

**MS. KRAFT** 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. KRAFT's suspension shall be lifted and MS. KRAFT's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. KRAFT** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. KRAFT** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. KRAFT** 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. KRAFT** has complied with all aspects of this Order; and (2) the Board determines that **MS. KRAFT** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. KRAFT** and review of the reports as required herein. Any period during which **MS. KRAFT** 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 18th day of March, 2011.

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

Mistak, Christa M., P.N. 121233 (CASE #09-3981)

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that upon consideration of the charges stated against **CHRISTA MARIE MISTAK** in the September 24, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. MISTAK** 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. MISTAK'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. MISTAK's** license shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years, with the **Permanent Narcotic** and **Permanent Practice Restrictions** set forth below.

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

1. **MS. MISTAK** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. MISTAK** 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. MISTAK** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. MISTAK**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. MISTAK'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. MISTAK** 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. MISTAK** 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. MISTAK's** history. **MS. MISTAK** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. MISTAK** shall abstain completely from the use of alcohol.
7. **Prior to requesting reinstatement by the Board, MS. MISTAK** 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. MISTAK** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. MISTAK** 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. MISTAK's** license, and a statement as to whether **MS. MISTAK** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. MISTAK** 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. MISTAK's** license.

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

#### **Reporting Requirements of MS. MISTAK**

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

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

1. **MS. MISTAK** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. MISTAK** 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. MISTAK** 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. MISTAK's** history. **MS. MISTAK** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. MISTAK** shall abstain completely from the use of alcohol.

5. During the probationary period, **MS. MISTAK** 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. MISTAK** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. MISTAK's** history.
6. **MS. MISTAK** 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. MISTAK** 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. MISTAK** 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. MISTAK** 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. MISTAK** 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. MISTAK** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. MISTAK** 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. MISTAK** shall notify the Board.
11. **MS. MISTAK** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. MISTAK** shall provide her employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board,

along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. MISTAK** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. MISTAK**

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

### **Permanent Narcotic Restriction**

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

prescriptions or prescription refills.

### **Permanent Practice Restrictions**

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

**MS. MISTAK** 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. MISTAK's suspension shall be lifted and MS. MISTAK's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. MISTAK** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. MISTAK** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. MISTAK** 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. MISTAK** has complied with all aspects of this Order; and (2) the Board determines that **MS. MISTAK** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. MISTAK** and review of the reports as required herein. Any period during which **MS. MISTAK** 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 18th day of March, 2011.

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

Norwick, Michael D., R.N. 327585 (CASE #09-4439)

**Action:** it was moved by Susan Morano, seconded by Patricia Protopapa, that upon consideration of the charges stated against **MICHAEL DAVID NORWICK** in the July 30, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. NORWICK** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code (“ORC”) Chapter 4723, as stated in the Notice of Opportunity for Hearing. For the violation of Section 4723.28(B)(16), ORC, and Rule 4723-4-06(P), Ohio Administrative Code [as in effect in August, 2007], the Ohio Board of Nursing ORDERS that **MR. NORWICK’s** license to practice nursing as a registered nurse is hereby REPRIMANDED. For the violation of Section 4723.28(B)(1), the Ohio Board of Nursing ORDERS that **MR. NORWICK’s** license to practice nursing as a registered nurse is hereby suspended and that the suspension is stayed subject to the probationary terms, conditions, and limitations for a minimum period of two (2) years, with the **Temporary Narcotic** and **Temporary Practice Restrictions** set forth below.

**MR. NORWICK’s license shall be subject to the following probationary terms, conditions, and limitations:**

1. **MR. NORWICK** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. NORWICK** 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, MR. NORWICK** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MR. NORWICK**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MR. NORWICK’s** criminal records check reports to the Board.
4. **Within six (6) months of the effective date of this Order, MR. NORWICK** 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. **Upon the request of the Board or its designee, and within three (3) months of that request, MR. NORWICK** 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. NORWICK** shall provide the chemical dependency professional with a copy of this

- Order and Notice of Opportunity for Hearing. Further, **MR. NORWICK** 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. NORWICK's** license, and a statement as to whether **MR. NORWICK** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care
6. If a chemical dependency evaluation is requested, **MR. NORWICK** 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. NORWICK** license.
  7. **MR. NORWICK** 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. NORWICK's** history. **MR. NORWICK** shall self-administer prescribed drugs only in the manner prescribed.
  8. **MR. NORWICK** shall abstain completely from the use of alcohol.
  9. **Within forty-five (45) days of the effective date of this Order**, during the probationary period, **MR. NORWICK** shall begin submitting, 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. NORWICK** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. NORWICK's** history.
  10. **MR. NORWICK** 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. NORWICK** 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, **MR. NORWICK** 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. NORWICK** 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. **MR. NORWICK** 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. NORWICK** throughout the duration of this Order.
13. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MR. NORWICK** shall notify the Board of any and all medication(s) or prescription(s) received.

#### **Employment Conditions**

14. **MR. NORWICK** shall notify the Board, in writing, of the name and address of any current employer **within fifteen (15) days of the effective date of this Order**, or any new employer prior to accepting employment.
15. **MR. NORWICK, 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 his employer(s) with a copy of this Order and the Notice of Opportunity for Hearing. **MR. NORWICK** shall have his employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MR. NORWICK** shall have his employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MR. NORWICK** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

#### **Reporting Requirements of MR. NORWICK**

16. **MR. NORWICK** shall sign release of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
17. **MR. NORWICK** 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.
18. **MR. NORWICK** 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. **MR. NORWICK** 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. **MR. NORWICK** 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.
21. **MR. NORWICK** shall verify that the reports and documentation required by this Order are received in the Board office.
22. **MR. NORWICK** 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**

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

#### **Temporary Practice Restrictions**

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

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

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Jones, Nicole B., P.N. 138663 (CASE #10-3215)

**Action:** It was moved by Rhonda Barkheimer, seconded by Maryam Lyon, that upon consideration of the charges stated against **NICOLE BETH JONES** in the August 2, 2010 Order of Summary Suspension and Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. JONES** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Order of Summary Suspension and Notice of Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MS. JONES'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED.**

The Board further Orders **NICOLE BETH JONES** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #138663, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Herbert, Kim A., P.N. 124044 (CASE #09-5701)

**Action:** It was moved by Maryam Lyon, seconded by J. Jane McFee, that upon consideration of the charges stated against **KIM HERBERT** in the July 30, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. HERBERT** 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. HERBERT's** license to practice nursing as a licensed practical nurse is 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. HERBERT's** license 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 Restrictions** set forth below.

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

1. **MS. HERBERT** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HERBERT** 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. HERBERT** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. HERBERT**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. HERBERT'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. HERBERT** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education, or other comparable courses approved in advance by the Board, taken subsequent to the effective date of this Order: 15 hours of "Women alcohol & drug abuse," and 5.4 hours of "Professional accountability and legal liability for nurses."

#### **Monitoring**

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

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

#### **Reporting Requirements of MS. HERBERT**

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

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

1. **MS. HERBERT** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HERBERT** 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. HERBERT** 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. HERBERT's** history. **MS. HERBERT** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. HERBERT** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. HERBERT** 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. HERBERT** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HERBERT's** history.
6. **MS. HERBERT** 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. HERBERT** 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. HERBERT** 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. HERBERT** 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. HERBERT** 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. HERBERT** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. HERBERT** 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. HERBERT** shall notify the Board.
11. **MS. HERBERT** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. HERBERT** shall provide her employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. HERBERT** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. HERBERT**

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

#### **Permanent Practice Restrictions**

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

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

of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. HERBERT** 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. HERBERT** has complied with all aspects of this Order; and (2) the Board determines that **MS. HERBERT** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. HERBERT** and review of the reports as required herein. Any period during which **MS. HERBERT** 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 18th day of March, 2011.

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

Kleese, Rhonda L., R.N. 265909 (CASE #10-1315)

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that upon consideration of the charges stated against **RHONDA LEE KLEESE** in the July 30, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. KLEESE** 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. KLEESE's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time but not less than one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MS. KLEESE'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. KLEESE** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. KLEESE** 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. KLEESE** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. KLEESE**, including a

check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. KLEESE'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. **MS. KLEESE** shall successfully comply with the terms, conditions, and limitations imposed on **MS. KLEESE's** nursing license by the Decision and Order of the Board of Registered Nursing, Department of Consumer Affairs, State of California (California Nursing Board). **Prior to requesting reinstatement by the Board, MS. KLEESE** shall submit satisfactory documentation from the California Nursing Board that **MS. KLEESE** is in compliance with all terms, conditions, and limitations imposed on **MS. KLEESE's** California nursing license.

### **Monitoring**

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

- prior to requesting reinstatement, MS. KLEESE** 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. KLEESE'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. KLEESE** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. KLEESE's** history.
10. Within thirty (30) days prior to **MS. KLEESE** initiating drug screening, **MS. KLEESE** 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. KLEESE**.
  11. After initiating drug screening, **MS. KLEESE** 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. KLEESE** 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. KLEESE** 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. KLEESE** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. KLEESE**

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

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

1. **MS. KLEESE** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. KLEESE** 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. KLEESE** 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. KLEESE's** history. **MS. KLEESE** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. KLEESE** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. KLEESE** 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. KLEESE** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. KLEESE's** history.

6. **MS. KLEESE** 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. KLEESE** 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. KLEESE** 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. KLEESE** 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. KLEESE** 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. KLEESE** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. KLEESE** 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. KLEESE** shall notify the Board.
11. **MS. KLEESE** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. KLEESE** shall provide her employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

Further, **MS. KLEESE** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. KLEESE**

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

### **Permanent Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

**MS. KLEESE** 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. KLEESE's suspension shall be lifted and MS. KLEESE's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. KLEESE** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. KLEESE** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. KLEESE** 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. KLEESE** has complied with all aspects of this Order; and (2) the Board determines that **MS. KLEESE** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. KLEESE** and review of the reports as required herein. Any period during which **MS. KLEESE** 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 18th day of March, 2011.

Motion adopted by majority vote of the Board members with Judith Church and Patricia Protopapa abstaining.

Borden, Catherine A., R.N. 194729 (CASE #09-5076)

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that upon consideration of the charges stated against **CATHERINE A. BORDEN** in the July 30, 2010 Notice of Opportunity for Hearing and evidence supporting

the charges, the Board finds that **MS. BORDEN** 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. BORDEN'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **CATHERINE A. BORDEN** to surrender her frameable wall certificate for her registered nurse license, R.N. #194729, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Dibell, Kimberly A., R.N. 258408 (CASE #08-2927)

**Action:** It was moved by Melissa Meyer, seconded by Roberta Stokes, that upon consideration of the charges stated against **KIMBERLY ANN DIBELL** in the September 24, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. DIBELL** 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. DIBELL's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time but not less than one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MS. DIBELL'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. DIBELL** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. DIBELL** 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. DIBELL** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. DIBELL**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. DIBELL'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. DIBELL** 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. DIBELL** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education, or other comparable courses approved in advance by the Board, taken subsequent to the effective date of this Order: 2 – 4 hours each class of "Administering Medications to the Elderly, Parts 1, 2, 3;" 5.4 hours of "Professional Accountability and Legal Liability for Nurses;" and 4 hours of "Safe Medication Administration – Every Patient's Right."

### **Monitoring**

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

10. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. DIBELL** 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. DIBELL'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. DIBELL** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. DIBELL's** history.
11. Within thirty (30) days prior to **MS. DIBELL** initiating drug screening, **MS. DIBELL** 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. DIBELL**.
12. After initiating drug screening, **MS. DIBELL** 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. DIBELL** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
13. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. DIBELL** 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. DIBELL** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. DIBELL**

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

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

1. **MS. DIBELL** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. DIBELL** 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. DIBELL** 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. DIBELL's** history. **MS. DIBELL** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. DIBELL** shall abstain completely from the use of alcohol.

5. During the probationary period, **MS. DIBELL** 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. DIBELL** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. DIBELL's** history.
6. **MS. DIBELL** 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. DIBELL** 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. DIBELL** 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. DIBELL** 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. DIBELL** 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. DIBELL** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. DIBELL** 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. DIBELL** shall notify the Board.
11. **MS. DIBELL** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. DIBELL** shall provide her employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board,

along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. DIBELL** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. DIBELL**

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

### **Permanent Narcotic Restriction**

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

prescriptions or prescription refills.

### **Permanent Practice Restrictions**

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

**MS. DIBELL** 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. DIBELL's suspension shall be lifted and MS. DIBELL's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. DIBELL** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. DIBELL** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. DIBELL** 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. DIBELL** has complied with all aspects of this Order; and (2) the Board determines that **MS. DIBELL** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. DIBELL** and review of the reports as required herein. Any period during which **MS. DIBELL** 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 18th day of March, 2011.

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

Kot, Patricia, R.N. 301027 (CASE #10-0883)

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that upon consideration of the charges stated against **PATRICIA J. KOT** in the July 30, 2010 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. KOT** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Immediate Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. KOT'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. KOT'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. KOT** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. KOT** 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. KOT** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. KOT**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. KOT'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. KOT** 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. SWANSON** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education, or other comparable courses approved in advance by the Board, taken subsequent to the effective date of this Order: fifteen (15) hours of "Women alcohol & drug abuse," and thirty (30) hours of "Chemical dependency."

## Monitoring

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

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

#### **Reporting Requirements of MS. KOT**

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

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

1. **MS. KOT** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. KOT** 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. KOT** 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. KOT's** history. **MS. KOT** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. KOT** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. KOT** 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. KOT** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. KOT's** history.
6. **MS. KOT** 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. KOT** 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. KOT** 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. KOT** 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. KOT** 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. KOT** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. KOT** 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. KOT** shall notify the Board.
11. **MS. KOT** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. KOT** shall provide her employer(s) with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. KOT** is under a continuing duty to provide a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. KOT**

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

#### **Permanent Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

**MS. KOT** 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. KOT's suspension shall be lifted and MS. KOT's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. KOT** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. KOT** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. KOT** 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. KOT** has complied with all aspects of this Order; and (2) the Board determines that **MS. KOT** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. KOT** and review of the reports as required herein. Any period during which **MS. KOT** 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 18th day of March, 2011.

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

Spinks, Amanda R., R.N. 346310 (CASE #09-4552)

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that upon consideration of the charges stated against **AMANDA RUTH SPINKS** in the July 30, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. SPINKS** 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. SPINKS's** license to practice nursing as a registered nurse is hereby suspended and that the suspension is stayed subject to the probationary terms, conditions, and limitations for a minimum period of two (2) years, with the **Temporary Practice Restrictions** set forth below.

**MS. SPINKS's license shall be subject to the following probationary terms, conditions, and limitations:**

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

2. **MS. SPINKS** 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. SPINKS** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. SPINKS**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. SPINKS's** criminal records check reports to the Board.
4. **Within six (6) months of the effective date of this Order, MS. SPINKS** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education, or other comparable courses approved in advance by the Board, taken subsequent to the effective date of this Order: 15 hours of "Women alcohol & drug abuse," and 5.4 hours of "Professional accountability and legal liability for nurses."

### **Monitoring**

5. **Within three (3) months of the effective date of this Order, MS. SPINKS** 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. SPINKS** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. SPINKS** 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. SPINKS's** license, and a statement as to whether **MS. SPINKS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care
6. **MS. SPINKS** 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. SPINKS** license.
7. **MS. SPINKS** 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. SPINKS's** history. **MS. SPINKS** shall self-administer prescribed drugs only in the manner prescribed.

8. **MS. SPINKS** shall abstain completely from the use of alcohol.
9. **Within forty-five (45) days of the effective date of this Order**, during the probationary period, **MS. SPINKS** 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. SPINKS** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SPINKS's** history.
10. **MS. SPINKS** 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. SPINKS** 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. SPINKS** 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. SPINKS** 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. SPINKS** 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. SPINKS** throughout the duration of this Order.
13. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. SPINKS** shall notify the Board of any and all medication(s) or prescription(s) received.

#### **Employment Conditions**

14. **MS. SPINKS** shall notify the Board, in writing, of the name and address of any current employer **within fifteen (15) days of the effective date of this Order**, or any new employer prior to accepting employment.

15. **MS. SPINKS**, within fifteen (15) days of the effective date of this Order, if working in a position in which a nursing license is required, shall provide her employer(s) with a copy of this Order and the Notice of Opportunity for Hearing. **MS. SPINKS** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. SPINKS** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. SPINKS** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. SPINKS**

16. **MS. SPINKS** shall sign release of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
17. **MS. SPINKS** 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. SPINKS** 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. SPINKS** 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. SPINKS** 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.
21. **MS. SPINKS** shall verify that the reports and documentation required by this Order are received in the Board office.
22. **MS. SPINKS** 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 Practice Restrictions**

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

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

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Smith, Michelle, P.N. 125669 (CASE #10-2267)

**Action:** It was moved by Susan Morano, seconded by Maryam Lyon, that upon consideration of the charges stated against **MICHELLE M. SMITH** in the November 19, 2010 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, and the Ohio Board of Nursing ORDERS that **MS. SMITH'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. SMITH's** license 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. 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 or its designee.
3. **Prior to requesting reinstatement by the Board, 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.  
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. SMITH** 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. SMITH** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education, or other comparable courses approved in advance by the Board, taken subsequent to the effective date of this Order: 5.4 hours of "Professional accountability and legal liability for nurses," 3 hours of "Ethical choices: How to reason ethically," and 30 hours of "Critical thinking in nursing."
6. **Prior to requesting reinstatement by the Board, MS. SMITH** shall submit documentation of her full completion of the terms and conditions imposed by the Medina Municipal Court in Case No. 09 CRB 01647.

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

7. **MS. SMITH** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation

or information directly to the Board.

8. **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.
9. **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.
10. **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.
11. **MS. SMITH** 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.
12. **MS. SMITH** shall verify that the reports and documentation required by this Order are received in the Board office.
13. **MS. SMITH** 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. SMITH** submits a written request for reinstatement; (2) the Board determines that **MS. SMITH** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. SMITH** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. SMITH** and review of the documentation specified in this Order.

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

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 or its designee.

### **Employment Conditions**

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

4. **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. **MS. SMITH** shall provide her employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. 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 employment.

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

5. **MS. SMITH** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
6. **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.
7. **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.
8. **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.
9. **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.
10. **MS. SMITH** shall verify that the reports and documentation required by this Order are received in the Board office.
11. **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.
12. Prior to working as a nurse, **MS. SMITH** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

#### **Permanent Practice Restrictions**

**MS. SMITH** 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. 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 18th day of March, 2011.

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

Dunbar, Michael D., R.N. 268640 (CASE #10-0710)

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that upon consideration of the charges stated against **MICHAEL DAVID DUNBAR** in the September 24, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. DUNBAR** 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 **MR. DUNBAR'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED.**

The Board further Orders **MICHAEL DAVID DUNBAR** to surrender his frameable wall certificate for his registered nurse license R.N. #268640, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Guthrie, Mary B., R.N. 303613 (CASE #10-0486)

**Action:** It as moved by Patricia Protopapa, seconded by J. Jane McFee, that upon consideration of the charges stated against **MARY BETH GUTHRIE** in the July 30, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. GUTHRIE** 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. GUTHRIE'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **MARY BETH GUTHRIE** to surrender her frameable wall certificate for her registered nurse license, R.N. #303613, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Eastmann, Stephenie S., P.N. 029321 (CASE #10-2675)

**Action:** It was moved by Melissa Meyer, seconded by Roberta Stokes, that upon consideration of the charges stated against **STEPHENIE SUE EASTMANN** in the July 30, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. EASTMANN** 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. EASTMANN'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **STEPHENIE SUE EASTMANN** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #029321, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Knoll, Billie, P.N. 115941 (CASE #10-4295)

**Action:** It was moved by Melissa Meyer, seconded by Roberta Stokes, that upon consideration of the charges stated against **BILLIE KNOLL** in the November 19, 2010 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. KNOLL** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Immediate Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. KNOLL'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. KNOLL's** license shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years, with the **Permanent Narcotic** and **Permanent Practice Restrictions** set forth below.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. KNOLL** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. KNOLL** 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. KNOLL** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. KNOLL**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. KNOLL'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. KNOLL** 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. KNOLL** 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. KNOLL's**

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

**KNOLL.**

11. After initiating drug screening, **MS. KNOLL** 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. KNOLL** 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. KNOLL** 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. KNOLL** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
13. **Prior to requesting reinstatement by the Board, MS. KNOLL** 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. KNOLL** shall provide the psychiatrist with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. **MS. KNOLL** shall also provide to the psychiatrist a copy of the Statement Form, dated May 12, 2009, which she submitted to the Board. 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. KNOLL's** license, and a statement as to whether **MS. KNOLL** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
14. **MS. KNOLL** 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. KNOLL's** license.

**Reporting Requirements of MS. KNOLL**

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

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

1. **MS. KNOLL** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. KNOLL** 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. KNOLL** 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. KNOLL's** history. **MS. KNOLL** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. KNOLL** shall abstain completely from the use of alcohol.

5. During the probationary period, **MS. KNOLL** 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. KNOLL** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. KNOLL's** history.
6. **MS. KNOLL** 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. KNOLL** 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. KNOLL** 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. KNOLL** 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. KNOLL** 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. KNOLL** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. KNOLL** 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. KNOLL** shall notify the Board.
11. **MS. KNOLL** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. KNOLL** shall provide her employer(s) with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing and shall have her employer(s) send

documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. KNOLL** is under a continuing duty to provide a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. KNOLL**

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

### **Permanent Narcotic Restriction**

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

prescriptions or prescription refills.

### **Permanent Practice Restrictions**

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

**MS. KNOLL** 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. KNOLL's suspension shall be lifted and MS. KNOLL's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. KNOLL** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. KNOLL** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. KNOLL** 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. KNOLL** has complied with all aspects of this Order; and (2) the Board determines that **MS. KNOLL** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. KNOLL** and review of the reports as required herein. Any period during which **MS. KNOLL** 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 18th day of March, 2011.

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

Shepherd, Stephanie B., R.N. 294229 (CASE #10-2717)

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that upon consideration of the charges stated against **STEPHANIE BROOKE SHEPHERD** in the September 8, 2010 Order of Summary Suspension and Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. SHEPHERD** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Order of Summary Suspension and Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. SHEPHERD'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. SHEPHERD'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. SHEPHERD** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. SHEPHERD** 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. SHEPHERD** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. SHEPHERD**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. SHEPHERD'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. SHEPHERD** 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. SHEPHERD** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education, or other comparable courses approved in advance by the Board, taken subsequent to the effective date of this Order: 15 hours of "Women alcohol & drug abuse," and 5.2 hours of "Document it right: A nurse's guide to charting."

## Monitoring

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

11. Within thirty (30) days prior to **MS. SHEPHERD** initiating drug screening, **MS. SHEPHERD** 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. SHEPHERD**.
12. After initiating drug screening, **MS. SHEPHERD** 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. SHEPHERD** 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 requesting reinstatement, MS. SHEPHERD** 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. SHEPHERD** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. SHEPHERD**

14. **MS. SHEPHERD** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
15. **MS. SHEPHERD** 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. SHEPHERD** 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. SHEPHERD** 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. SHEPHERD** 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. SHEPHERD** shall verify that the reports and documentation required

by this Order are received in the Board office.

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

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

1. **MS. SHEPHERD** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. SHEPHERD** 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. SHEPHERD** 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. SHEPHERD's** history. **MS. SHEPHERD** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. SHEPHERD** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. SHEPHERD** 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. SHEPHERD** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SHEPHERD's** history.

6. **MS. SHEPHERD** 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. SHEPHERD** 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. SHEPHERD** 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. SHEPHERD** 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. SHEPHERD** 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. SHEPHERD** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. SHEPHERD** 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. SHEPHERD** shall notify the Board.
11. **MS. SHEPHERD** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. SHEPHERD** shall provide her employer(s) with a copy of this Order and the Order of Summary Suspension and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and the Order of Summary Suspension and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. SHEPHERD** is under a continuing duty to provide a copy of this Order and the Order of Summary Suspension and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. SHEPHERD**

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

documentation directly to the Board.

13. **MS. SHEPHERD** 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. SHEPHERD** 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. SHEPHERD** 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. SHEPHERD** 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. SHEPHERD** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. SHEPHERD** 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. SHEPHERD** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

#### **Permanent Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

**MS. SHEPHERD** 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. SHEPHERD's suspension shall be lifted and MS. SHEPHERD's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. SHEPHERD** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. SHEPHERD** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. SHEPHERD** 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. SHEPHERD** has complied with all aspects of this Order; and (2) the Board determines that **MS. SHEPHERD** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. SHEPHERD** and review of the reports as required herein. Any period during which **MS. SHEPHERD** 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 18th day of March, 2011.

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

Swanson, Brenda, P.N. 107365 (CASE #10-0715)

**Action:** it was moved by J. Jane McFee, seconded by Johnnie Maier, that upon consideration of the charges stated against **BRENDA LAVADA SWANSON** in the November 19, 2010 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. SWANSON** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Immediate Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. SWANSON's** license to practice nursing as a licensed practical nurse is 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. SWANSON's** license 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 Restrictions** set forth below.

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

1. **MS. SWANSON** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. SWANSON** 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. SWANSON** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. SWANSON**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. SWANSON'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. SWANSON** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education, or other comparable courses approved in advance by the Board, taken subsequent to the effective date of this Order: 5.2 hours of "Document it right: A nurse's guide to charting," and 15 hours of "Women alcohol & drug abuse."

### **Monitoring**

5. **MS. SWANSON** 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. SWANSON's** history. **MS. SWANSON** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. SWANSON** shall abstain completely from the use of alcohol.
7. **Prior to requesting reinstatement by the Board, MS. SWANSON** 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. SWANSON** shall provide the chemical dependency professional with a copy of this Order and Notice of Immediate Suspension and Opportunity

- for Hearing. Further, **MS. SWANSON** 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. SWANSON's** license, and a statement as to whether **MS. SWANSON** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. SWANSON** 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. SWANSON's** license.
  9. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. SWANSON** 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. SWANSON'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. SWANSON** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SWANSON's** history.
  10. Within thirty (30) days prior to **MS. SWANSON** initiating drug screening, **MS. SWANSON** 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. SWANSON**.
  11. After initiating drug screening, **MS. SWANSON** 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. SWANSON** 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. SWANSON** 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. SWANSON** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

### **Reporting Requirements of MS. SWANSON**

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

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

1. **MS. SWANSON** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. SWANSON** 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. SWANSON** 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. SWANSON's** history. **MS. SWANSON** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. SWANSON** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. SWANSON** 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. SWANSON** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SWANSON's** history.
6. **MS. SWANSON** 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. SWANSON** 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. SWANSON** 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. SWANSON** 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. SWANSON** 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. SWANSON** throughout the duration of this Order.

9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. SWANSON** 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. SWANSON** shall notify the Board.
11. **MS. SWANSON** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MS. SWANSON** shall provide her employer(s) with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. SWANSON** is under a continuing duty to provide a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. SWANSON**

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

### **Permanent Practice Restrictions**

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

**MS. SWANSON** 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. SWANSON's** suspension shall be lifted and **MS. SWANSON's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. SWANSON** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. SWANSON** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. SWANSON** 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. SWANSON** has complied with all aspects of this Order; and (2) the Board determines that **MS. SWANSON** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. SWANSON** and review of the reports as required herein. Any period during which **MS. SWANSON** 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 18th day of March, 2011.

Motion adopted by majority vote of the Board member with Judith Church Abstaining.

#### **DEFAULT ORDER**

MacIntosh Sr, John B., R.N. 241265 (CASE #09-5478)

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that the Board find that **MR. MACINTOSH** has failed to submit to an examination and the Board has not received information that the failure to submit to an examination was due to circumstances beyond his control.

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

In accordance with Section 4723.28(B)(16) and Section 4723.28(G) ORC, the Ohio Board of Nursing finds that that **MR. MACINTOSH** has admitted the truth of the allegations set forth in the July 26, 2010 Examination Order issued to **MR. MACINTOSH** and that **MR. MACINTOSH** is impaired. The Board ORDERS that **MR. MACINTOSH'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. **MR. MACINTOSH** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. MACINTOSH** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reinstatement.
3. **Prior to requesting reinstatement by the Board, MR. MACINTOSH** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MR. MACINTOSH**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MR. MACINTOSH'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. **MR. MACINTOSH** shall, at his own expense, submit to a mental examination, specifically addressing his ability to function in a clinical nursing capacity, and including a review of his prescription medications, by The University of Cincinnati Physicians, Inc., Forensic Psychiatry, 260 Stetson Street, Suite 3200, Cincinnati, Ohio 45219. Prior to the evaluation, **MR. MACINTOSH** shall provide the Examiner with a copy of this Order and the July 26, 2010 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. MACINTOSH's** practice. The Examiner shall provide an opinion to the Board regarding whether **MR. MACINTOSH** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
5. **MR. MACINTOSH** 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, psychiatric or other mental health treatment recommended and/or restrictions specified by the Examiner, as set forth in paragraph 4., above. If the Board and **MR. MACINTOSH** 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**

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

10. **MR. MACINTOSH** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
11. **MR. MACINTOSH** shall verify that the reports and documentation required by this Order are received in the Board office.
12. **MR. MACINTOSH** 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. MACINTOSH** is hereby informed that **MR. MACINTOSH** is entitled to a hearing on this matter. If **MR. MACINTOSH** 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. MACINTOSH** is hereby further informed that, if **MR. MACINTOSH** timely requests a hearing, **MR. MACINTOSH** is entitled to appear at such hearing in person, by **MR. MACINTOSH's** attorney, or by such other representative as is permitted to practice before the Board, or **MR. MACINTOSH** may present **MR. MACINTOSH's** position, arguments, or contentions in writing. At the hearing **MR. MACINTOSH** may also present evidence and examine witnesses appearing for and against **MR. MACINTOSH**.

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

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Haydu, Gretchen E., P.N. 113130 (CASE #10-2295)

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that the Board find **MS. HAYDU** has failed to submit to an examination and the Board has not received information that the failure to submit to an examination was due to circumstances beyond her control.

In accordance with Section 4723.28(G) ORC, the failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, unless the failure is due to circumstances beyond

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

In accordance with Section 4723.28(B)(16) and Section 4723.28(G) ORC, the Ohio Board of Nursing finds that that **MS. HAYDU** has admitted the truth of the allegations set forth in the October 26, 2010 Examination Order issued to **MS. HAYDU** and that **MS. HAYDU** is impaired. The Board ORDERS that **MS. HAYDU'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. HAYDU** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HAYDU** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reinstatement.
3. **Prior to requesting reinstatement by the Board, MS. HAYDU** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. HAYDU**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. HAYDU'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. **MS. HAYDU** shall, at her own expense, submit to a mental examination, specifically addressing her ability to function in a clinical nursing capacity, by Dr. Richard Friedell, 24400 Highpoint Road, Suite 6, Beachwood, Ohio 44122, or by another psychiatrist approved by the Board or its designee. Prior to the evaluation, **MS. HAYDU** shall provide the Examiner with a copy of this Order and the October 26, 2010 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. HAYDU's** practice. The Examiner shall provide an opinion to the Board regarding whether **MS. HAYDU** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

5. **MS. HAYDU** 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, psychiatric or other mental health treatment recommended and/or restrictions specified by the Examiner, as set forth in paragraph 4., above. If the Board and **MS. HAYDU** 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**

6. **MS. HAYDU** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
7. **MS. HAYDU** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
8. **MS. HAYDU** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
9. **MS. HAYDU** 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.
10. **MS. HAYDU** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
11. **MS. HAYDU** shall verify that the reports and documentation required by this Order are received in the Board office.
12. **MS. HAYDU** 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. HAYDU** is hereby informed that **MS. HAYDU** is entitled to a hearing on this matter. If **MS. HAYDU** 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. HAYDU** is hereby further informed that, if **MS. HAYDU** timely requests a hearing, **MS. HAYDU** is entitled to appear at such hearing in person, by **MS.**

**HAYDU's** attorney, or by such other representative as is permitted to practice before the Board, or **MS. HAYDU** may present **MS. HAYDU's** position, arguments, or contentions in writing. At the hearing **MS. HAYDU** may also present evidence and examine witnesses appearing for and against **MS. HAYDU**.

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

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

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

Young, Christina M., P.N. 099101 (CASE #10-1162)

**Action:** It was moved by Melissa Meyer, seconded by Roberta Stokes, that the Board find **MS. YOUNG** has failed to submit to an examination and the Board has not received information that the failure to submit to an examination was due to circumstances beyond her control.

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

In accordance with Section 4723.28(B)(16) and Section 4723.28(G) ORC, the Ohio Board of Nursing finds that that **MS. YOUNG** has admitted the truth of the allegations set forth in the July 20, 2010 Examination Order issued to **MS. YOUNG** and that **MS. YOUNG** is impaired. The Board ORDERS that **MS. YOUNG'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. YOUNG** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.

2. **MS. YOUNG** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reinstatement.
3. **Prior to requesting reinstatement by the Board, MS. YOUNG** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. YOUNG**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. YOUNG'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. **MS. YOUNG** shall, at her own expense, submit to a chemical dependency examination, specifically addressing her ability to function in a clinical nursing capacity, by Dr. Richard Whitney, Shepherd Hill Addiction Services, 200 Messimer Drive, Newark, Ohio 43055. Prior to the evaluation, **MS. YOUNG** shall provide the Examiner with a copy of this Order and the July 20, 2010 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. YOUNG's** practice. The Examiner shall provide an opinion to the Board regarding whether **MS. YOUNG** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
5. **MS. YOUNG** 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, psychiatric or other mental health treatment recommended and/or restrictions specified by the Examiner, as set forth in paragraph 4., above. If the Board and **MS. YOUNG** 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**

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

8. **MS. YOUNG** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
9. **MS. YOUNG** 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.
10. **MS. YOUNG** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
11. **MS. YOUNG** shall verify that the reports and documentation required by this Order are received in the Board office.
12. **MS. YOUNG** 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. YOUNG** is hereby informed that **MS. YOUNG** is entitled to a hearing on this matter. If **MS. YOUNG** 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. YOUNG** is hereby further informed that, if **MS. YOUNG** timely requests a hearing, **MS. YOUNG** is entitled to appear at such hearing in person, by **MS. YOUNG's** attorney, or by such other representative as is permitted to practice before the Board, or **MS. YOUNG** may present **MS. YOUNG's** position, arguments, or contentions in writing. At the hearing **MS. YOUNG** may also present evidence and examine witnesses appearing for and against **MS. YOUNG**.

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

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

Motion adopted by majority vote of the Board members with Judith Church and Patricia Protopapa abstaining.

Dobrowolski, Cathy, P.N. 088114 (CASE #09-5789)

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that the Board find **MS. DOBROWOLSKI** has failed to submit to an examination and

the Board has not received information that the failure to submit to an examination was due to circumstances beyond her control.

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

In accordance with Section 4723.28(B)(16) and Section 4723.28(G) ORC, the Ohio Board of Nursing finds that that **MS. DOBROWOLSKI** has admitted the truth of the allegations set forth in the June 22, 2010 Examination Order issued to **MS. DOBROWOLSKI** and that **MS. DOBROWOLSKI** is impaired. The Board ORDERS that **MS. DOBROWOLSKI'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. DOBROWOLSKI** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. DOBROWOLSKI** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reinstatement.
3. **Prior to requesting reinstatement by the Board, MS. DOBROWOLSKI** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. DOBROWOLSKI**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. DOBROWOLSKI'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. **MS. DOBROWOLSKI** shall, at her own expense, submit to a chemical dependency examination, specifically addressing her ability to function in a clinical nursing capacity, by Dr. Richard Whitney, Shepherd Hill Addiction Services, 200 Messimer Drive, Newark, Ohio 43055. Prior to the evaluation, **MS. DOBROWOLSKI** shall provide the Examiner with a copy of this Order and the June 22, 2010 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. DOBROWOLSKI's** practice. The Examiner shall provide an opinion to the Board regarding whether **MS. DOBROWOLSKI** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

5. **MS. DOBROWOLSKI** 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, psychiatric or other mental health treatment recommended and/or restrictions specified by the Examiner, as set forth in paragraph 4., above. If the Board and **MS. DOBROWOLSKI** 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**

6. **MS. DOBROWOLSKI** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
7. **MS. DOBROWOLSKI** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
8. **MS. DOBROWOLSKI** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
9. **MS. DOBROWOLSKI** 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.
10. **MS. DOBROWOLSKI** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
11. **MS. DOBROWOLSKI** shall verify that the reports and documentation required by this Order are received in the Board office.
12. **MS. DOBROWOLSKI** 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. DOBROWOLSKI** is hereby informed that **MS. DOBROWOLSKI** is entitled to a hearing on this matter. If **MS. DOBROWOLSKI** 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. DOBROWOLSKI** is hereby further informed that, if **MS. DOBROWOLSKI** timely requests a hearing, **MS. DOBROWOLSKI** is entitled to appear at such hearing in person, by **MS. DOBROWOLSKI's** attorney, or by such other representative as is permitted to practice before the Board, or **MS. DOBROWOLSKI** may present **MS. DOBROWOLSKI's** position, arguments, or contentions in writing. At the hearing **MS. DOBROWOLSKI** may also present evidence and examine witnesses appearing for and against **MS. DOBROWOLSKI**.

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

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

Motion adopted by majority vote of the Board members with Judith Church and Patricia Protopapa abstaining.

Meayers, Cindy A., P.N. 122916 (CASE #08-1466)

**Action:** It was moved by Melissa Meyer, seconded by Roberta Stokes, that the Board find **MS. MEYERS** has failed to submit to an examination and the Board has not received information that the failure to submit to an examination was due to circumstances beyond her control.

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

In accordance with Section 4723.28(B)(16) and Section 4723.28(G) ORC, the Ohio Board of Nursing finds that that **MS. MEYERS** has admitted the truth of the allegations set forth in the October 26, 2009 Examination Order issued to **MS. MEYERS** and that **MS. MEYERS** is impaired. The Board ORDERS that **MS. MEYERS'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. MEYERS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. MEYERS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reinstatement.
3. **Prior to requesting reinstatement by the Board, MS. MEYERS** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. MEYERS**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. MEYERS'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. **MS. MEYERS** shall, at her own expense, submit to a chemical dependency examination, specifically addressing her ability to function in a clinical nursing capacity, by Dr. Richard Whitney, Shepherd Hill Addiction Services, 200 Messimer Drive, Newark, Ohio 43055. Prior to the evaluation, **MS. MEYERS** shall provide the Examiner with a copy of this Order and the October 26, 2009 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. MEYERS's** practice. The Examiner shall provide an opinion to the Board regarding whether **MS. MEYERS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
5. **MS. MEYERS** 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, psychiatric or other mental health treatment recommended and/or restrictions specified by the Examiner, as set forth in paragraph 4., above. If the Board and **MS. MEYERS** 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**

6. **MS. MEYERS** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
7. **MS. MEYERS** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
8. **MS. MEYERS** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
9. **MS. MEYERS** 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.
10. **MS. MEYERS** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
11. **MS. MEYERS** shall verify that the reports and documentation required by this Order are received in the Board office.
12. **MS. MEYERS** 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. MEYERS** is hereby informed that **MS. MEYERS** is entitled to a hearing on this matter. If **MS. MEYERS** 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. MEYERS** is hereby further informed that, if **MS. MEYERS** timely requests a hearing, **MS. MEYERS** is entitled to appear at such hearing in person, by **MS. MEYERS's** attorney, or by such other representative as is permitted to practice before the Board, or **MS. MEYERS** may present **MS. MEYERS's** position, arguments, or contentions in writing. At the hearing **MS. MEYERS** may also present evidence and examine witnesses appearing for and against **MS. MEYERS**.

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

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011

Motion adopted by majority vote of the Board members with Judith Church and Patricia Protopapa abstaining.

Goins, Christina L., P.N. 102785 (CASE #07-2802)

**Action:** It was moved by Melissa Meyer, seconded by Roberta Stokes, that the Board find **MS. GOINS** has failed to submit to an examination and the Board has not received information that the failure to submit to an examination was due to circumstances beyond her control.

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

In accordance with Section 4723.28(B)(16) and Section 4723.28(G) ORC, the Ohio Board of Nursing finds that that **MS. GOINS** has admitted the truth of the allegations set forth in the October 26, 2009 Examination Order issued to **MS. GOINS** and that **MS. GOINS** is impaired. The Board ORDERS that **MS. GOINS'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. GOINS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. GOINS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reinstatement.
3. **Prior to requesting reinstatement by the Board, MS. GOINS** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. GOINS**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. GOINS'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. **MS. GOINS** shall, at her own expense, submit to a chemical dependency examination, specifically addressing her ability to function in a clinical nursing capacity, by Dr. Richard Whitney, Shepherd Hill Addiction Services, 200 Messimer Drive, Newark, Ohio 43055. Prior to the evaluation, **MS. GOINS** shall provide the Examiner with a copy of this Order and the October 26, 2009 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. GOINS's** practice. The Examiner shall provide an opinion to the Board regarding whether **MS. GOINS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
5. **MS. GOINS** 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, psychiatric or other mental health treatment recommended and/or restrictions specified by the Examiner, as set forth in paragraph 4., above. If the Board and **MS. GOINS** 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**

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

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

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

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

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 18th day of March, 2011.

Motion adopted by majority vote of the Board members with Judith Church and Patricia Protopapa abstaining.

#### **SUMMARY SUSPENSION**

Weber, Shannon M., P.N. 102673 (CASE #11-0031)

**Action:** It was moved by J. Jane McFee, seconded by Melissa Meyer, that the Board Summarily Suspend the license and issue a Notice of Opportunity for Hearing for violations of Chapter 4723. ORC retroactive to February 14, 2011, to Weber, Shannon M., P.N. 102673 (CASE #11-0031) due to the fact there is clear and convincing evidence that continued practice by Ms. Weber presents a danger of immediate and serious harm to the public.

Motion adopted by majority vote of the Board members with Judith Church abstaining

Hvizdos, Melissa C., P.N. 111332 (CASE #10-1943)

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that the Board Summarily Suspend the license and issue a Notice of Opportunity for Hearing for violations of Chapter 4723. ORC retroactive to February 8, 2011, to

Hvizdos, Melissa C., P.N. 111332 (CASE #10-1943) due to the fact there is clear and convincing evidence that continued practice by Ms. Hvizdos presents a danger of immediate and serious harm to the public.

Motion adopted by majority vote of the Board members with Judith Church abstaining

#### **MISCELLANEOUS MOTION**

**Action:** it was moved by J. Jane McFee, seconded by Johnnie Maier, that the Board grant the motion to reopen and supplement the records for OBrien, Erin E., R.N. 324539 (CASE #09-4466).

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

#### **MONITORING**

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

**Action:** It was moved by J. Jane McFee, seconded by Maryam Lyon, that the following, having met the terms and conditions of their Consent Agreement or Adjudication Order with the Board, with the recommendation by Judith Church, Supervising Member for Disciplinary Matters, be released from their Consent Agreements or Adjudication Orders:

Finley, Barry F., R.N. 356002 (CASE #09-2515); Lewis, Catherine L., R.N. 356958 (CASE #09-5187); Smith, Danene N., P.N. 138356 (CASE #09-4650); Jones, Kara D., P.N. 137514 (CASE #09-4405); Smith, Victoria I., R.N. 241170 (CASE #01-0756); Kline, Maria S., R.N. 246138 (CASE #07-2914); Wolan, Lindsay A., P.N. 136334 (CASE #09-1231); and Wells, Jessie Jo., P.N. 108077 (CASE #07-0646).

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

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

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that the following, having met the terms and conditions of their Consent Agreement or Adjudication Order with the Board, with the recommendation by Judith Church, Supervising Member for Disciplinary Matters, be released early from their Consent Agreements or Adjudication Orders:

Henry, Keith D., R.N. 356957 (CASE #09-5374).

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

**LIFT OF SUSPENSION/PROBATION ONLY – PERMANENT PRACTICE RESTRICTION(S) REMAIN**

**Action:** it was moved by J. Jane McFee, seconded by Maryam Lyon, that the following, with the recommendation by Judith Church, Supervising Member for Disciplinary Matters, be released from the terms and conditions of their Consent Agreement with the exception of the permanent practice restriction(s) that will remain in effect:

Fetherolf, Danielle N., P.N. 132957 (CASE #08-2123).

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

**LIFT OF SUSPENSION/PROBATION ONLY – PERMANENT PRACTICE RESTRICTION(S) REMAIN – EARLY RELEASE**

**Action:** it was moved by Melissa Meyer, seconded by J. Jane McFee, that the following, with the recommendation by Judith Church, Supervising Member for Disciplinary Matters, be released early from the terms and conditions of their Consent Agreement with the exception of the permanent practice restriction(s) that will remain in effect:

Shoup, Kerstin, R.N. 274488 (CASE #05-1865); and Jackson, Kadijah C., R.N. 349859, P.N. 111522 (CASE #08-1054).

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

**LIFT OF TEMPORARY NARCOTIC RESTRICTION**

**Action:** It was moved by Maryam Lyon, seconded by Janet Arwood, that the following, with the recommendation by Judith Church, Supervising Member for Disciplinary Matters, be released from their temporary narcotic restrictions within their respective Consent Agreements or Adjudication Orders:

Brown, Jaimie J., R.N. 280013 (CASE #09-4311); McGrady, Dawn R., R.N. 291264 (CASE #08-3347); and Kearney, Christopher M., R.N. 315537 (CASE #09-3015).

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

**REINSTATEMENT REQUEST PER CONDITIONS OF CONSENT AGREEMENT**

**Action:** It was moved by J. Jane McFee, seconded by Johnnie Maier, that the following, with the recommendation by Judith Church, Supervising Member for Disciplinary Matters, having met the requirements for reinstatement contained within their Consent Agreement(s) with the Board be reinstated subject to the terms and conditions of probation contained within their Consent Agreement(s):

Carlson, Bryan K., R.N. 327277 (CASE #09-2644)

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

### **REINSTATEMENT REQUEST PER CONDITIONS OF ADJUDICATION ORDER**

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that the following, with the recommendation by Judith Church, Supervising Member for Disciplinary Matters, having met the requirements for reinstatement contained within their Adjudication Order(s) with the Board be reinstated subject to the terms and conditions of probation contained within their Adjudication Order(s):

Smith, Richard W., R.N. 290242 (CASE #06-1907); and Myers, Faustina A., R.N. 282638 (CASE #07-0303).

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

### **MOTION TO APPROVE**

**Action:** It was moved by Rhonda Barkheimer, seconded by Maryam Lyon, that the Board accept the following approval made by Judith Church, Board Supervising Member for Disciplinary Matters:

Rese, Nicole L., R.N. 266794 (CASE #10-4168)- License reinstatement in February 2011 subject to the probationary terms of the November 2010 Consent Agreement.

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

## **REPORTS TO THE BOARD**

### **Open Forum - Friday, March 18, 2011**

There were no participants for Open Forum.

### **Advisory Group Reports**

#### **Continuing Education**

Lesleigh Robinson reported on the Advisory Group on Continuing Education meeting held on February 18, 2011. The group discussed possible revisions to Chapter 4723-14, the continuing education rules, and Delphenia Gilbert, Chair, reported on the Board's presentation regarding cultural competency. The group also had a presentation from CE Caddy, a company promoting the use of electronic transcripts for tracking nurses' continuing education activities. There is one state currently using a similar system. This system would audit 100% of the nurses and they would

charge each nurse less than \$5.00 per year. Judith Church asked about the confidentiality and the accuracy of data. L. Robinson stated that CE Caddy assured confidentiality and accuracy with their system. One concern is that CE information from all providers would have to be submitted to CE Caddy. Since the Board accepts CE activities from across the country, this would be difficult to perform. The Advisory Group will be discussing electronic transcripts at future meetings.

### **Committee on Prescriptive Governance (CPG)**

The Board agreed by general consensus to establish a Board Committee for CPG Appointments. Melissa Meyer, Tracy Ruegg, and Roberta Stokes volunteered for the Committee. The Committee will meet on May 19, 2011 at 11:45 a.m.

### **Nursing Education**

J. Church provided a report on the Advisory Group on Nursing Education meeting held on February 17, 2011. The group has focused its meetings this past year on the information published in both the Carnegie Foundation Report and the IOM Report: The Future of Nursing. These reports studied the manner in which individuals are educated as nurses and the levels of practice and academic preparation of nurses. The Advisory Group also heard information from a representative of the 2015 Yellow Team concerning its efforts to gain consensus concerning the academic preparation of nurses as referenced in the IOM Report.

After considering these reports and engaging in lively discussions among all members of the Advisory group who represent all levels of pre-license nursing education and nursing practice, the Advisory Group is making two recommendations.

1. The first recommendation was reported to the Board last fall with its review of the Carnegie Report, that all registered nurses should obtain a specialty certification within five years of being licensed in Ohio by either examination or endorsement.
2. The second recommendation is that the Advisory Group supports the continued education of registered nurses as referenced in the IOM Report. The goal is that 80% of practicing RNs in Ohio will be BSN prepared by 2020. This would be accomplished through a voluntary progression of the individual's nursing education.

In addition, there was discussion concerning the need to have data available concerning nurses' education progression that occurs beyond their pre-license education requirements. The Board agreed to discuss these recommendations further at the Board Retreat.

## **Board Committee Report – Committee on Education Program Rules Review**

J. Church reported that during the meeting of the Board Committee on Education Program Rules Review there was a good discussion regarding the proposed revisions in the education administrative rule language. She stated that the Committee agreed with the staff recommendations and discussed additional areas that staff will review.

### **Other Reports**

#### **Ohio Patient Centered Medical Home (PCMH) Education Advisory Group**

J. Church provided a report on the Patient Centered Medical Home Education Advisory Group. The group is discussing the education of primary care physicians and APNs. There will be forty physician PCMHs and four APN PCMHs so that each quadrant of the state is represented. Grant funding has been secured through the Ohio Association of Family Practitioners (OAFP) and TransferMed is the company providing the education.

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

The Board has been asked to participate in a panel at the OAFP Conference. Lisa Emrich will be on the panel and discuss how nurses can work to the full extent of their license. The Board discussed the nursing role with the PCMHs. B. Lovelace complimented J. Church on her work with the group and continuing to involve nurses in the process.

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

The Board reviewed the information regarding the NCLEX pass rates of nursing education programs. The pass rates are calculated for all first time test candidates who completed an RN or PN education program in Ohio.

#### **Nurse Education Grant Program (NEGP)**

##### **Quarterly Report for 2010-2011 Cycle**

L. Emrich reported that the eleven NEGP recipients submitted their reports for Quarter 5 of the 2009-2011 NEGP Cycle. Quarter 5 encompasses all activities that occurred from September 1, 2010 through November 30, 2010. The Board reviewed a summary of the funds distributed and spent for the reporting period, and a brief goal summary for each NEGP recipient.

##### **Grant Cycle September 1, 2011 to August 31, 2013**

Board staff is preparing for the 2011-2013 NEGP grant cycle. Information was sent electronically March 2, 2011, notifying the administrators of pre-license nursing education programs, and post graduate programs approved by the Board of Regents, that the Request for Proposals (RFP) would be available for download from the Board's website no later than April 4, 2011. A similar notification was posted on the Board's website and emailed to interested parties via the Board eNews and other

communication feeds used by the Board. The Board will consider and award the NEGP funds during its July 2011 meeting.

### **Interpretive Guidelines**

Registered Nurse Performance of Conservative Sharp Wound Debridement

**Action:** It was moved by Melissa Meyer, seconded by Roberta Stokes, that the Board re-approve the Interpretive Guideline: Registered Nurse Performance of Conservative Sharp Wound Debridement, as submitted. Motion adopted by unanimous vote of the Board members.

Role of the Registered Nurse in Monitoring Obstetrical Patients Receiving Epidural Infusions

**Action:** It was moved by J. Jane McFee, seconded by Melissa Meyer, that the Board re-approve the Interpretive Guideline: Role of the Registered Nurse in Monitoring Obstetrical Patients Receiving Epidural Infusions, as submitted. Motion adopted by unanimous vote of the Board members.

Role of the Registered Nurse in Administering, Managing, and Monitoring Patients Receiving Epidural Infusions: Excluding Obstetrical Patients

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that the Board re-approve the Interpretive Guideline: Role of the Registered Nurse in Administering, Managing, and Monitoring Patients Receiving Epidural Infusions: Excluding Obstetrical Patients, as amended. Motion adopted by unanimous vote of the Board members.

The Licensed Nurse's Role in the Care of Patients Receiving Intramuscular, Subdermal, or Subcutaneously Injected Medication for Cosmetic/Aesthetic Treatment

**Action:** It was moved by Roberta Stokes, seconded by J. Jane McFee, that the Board re-approve the Interpretive Guideline: The Licensed Nurse's Role in the Care of Patients Receiving Intramuscular, Subdermal, or Subcutaneously Injected Medications For Cosmetic/Aesthetic Treatment, as submitted. Motion adopted by unanimous vote of the Board members.

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

The Board reviewed the general information items and had no questions.

### **BOARD GOVERNANCE**

#### **Financial Disclosure Statements**

Board members were reminded that Financial Disclosure Statements (FDS) are due by April 15, 2011. Board members may file the FDS directly with the Ohio Ethics Commission, or may return their FDS to J. Kirk by April 5, 2011 and he will file the forms for them.

#### **Ethics Affiliation Forms**

Board members were asked to complete new Ethics Affiliation Forms if they had any new information to record.

### **Board Member Mentors**

Maryam Lyon will serve as Board mentor to Rhonda Barkheimer, and Bertha Lovelace will serve as Board mentor to Sue Morano.

### **Report on NCSBN Mid-Year Meeting**

B. Lovelace, Patricia Protopapa, and B. Houchen reported that the NCSBN Mid-Year Meeting was informative and well organized. The greatest benefit was meeting with other states and discussing key issues. One topic of discussion was the APRN Consensus Model implementation. The Compact states continue to work on authorization to conduct criminal record checks, however, about four states do not have authority and the majority of the states do not have absolute bars for licensure. The second day of the meeting was devoted to Just Culture with Scott Griffith being the keynote speaker. B. Houchen represented the Board on a panel with three other states discussing implementation of Just Culture at the boards. Scott Griffith complimented the Board on its Just Culture work that has been done in a short period of time.

### **Board Retreat**

Arrangements for the Retreat were discussed and directions were distributed to Board members. J. Kirk confirmed who would be attending.

### **Board Policy Revision**

**Action:** It was moved by Judith Church, seconded by Sue Morano, that the Board approve Board Policy B-05, Standards of Ethical Conduct, as submitted. Motion adopted by unanimous vote of the Board members.

### **EVALUATION OF MEETING AND ADJOURNMENT**

The meeting adjourned on Friday, March 18, 2011 at 10:25 a.m.

Bertha Lovelace, RN, CRNA  
President



Attest:

Betsy Houchen, RN, MS, JD  
Executive Director

