



## OHIO BOARD OF NURSING

### MINUTES OF MEETING

#### REGULAR MEETING OF THE BOARD NOVEMBER 14-16, 2012

The regular meeting of the Ohio Board of Nursing (Board) was held on November 14-16, 2012 at the Board office located at 17 South High Street, Suite 400, Columbus, Ohio 43215. The President, Vice-President, and Executive Director reviewed the agenda prior to the meeting.

On Wednesday, November 14, 2012 at 1:02 p.m., President Bertha Lovelace called the Board meeting to order. On Thursday, November 15, 2012 at 8:32 a.m., President Bertha Lovelace called the Board meeting to order. On Friday, November 16, 2012 at 8:33 a.m., President Lovelace called the Board meeting to order. Vice-President Melissa Meyer read the Board mission and President Lovelace recognized nursing students, welcomed the gallery, and requested that Board Members introduce themselves.

#### **BOARD MEMBERS**

Bertha Lovelace, RN, President

Melissa Meyer, LPN, Vice-President

Janet Arwood, LPN

Rhonda Barkheimer, RN (Absent Wednesday, Thursday and Friday)

Judith Church, RN, Board Supervising Member for Disciplinary Matters

Lisa Klenke, RN

Maryam Lyon, RN

J. Jane McFee, LPN

Susan Morano, RN

Tracy Ruegg, RN

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 Wednesday, the Board Committee on Advisory Group appointments met at 11:00 a.m.; a Public Hearing on Administrative Rules was held at 1:00 p.m.; and Darlene J. Barnes and Attorney Elizabeth Collis addressed the Board at 1:40 p.m. On Thursday, the Board Reception was held at 8:00 a.m.; Dr. Ted Wymyslo, Director of the Ohio Department of Health, provided a presentation to the Board at 8:30 a.m.; and Executive Session was at 10:00 a.m. On Friday, Open Forum was held at 10:00 a.m.

### **Approval of Minutes of the September 2012 Meeting**

**Action:** It was moved by J. Jane McFee, seconded by Tracy Ruegg, that the Board approve the minutes from the September 2012 Board meeting as submitted. Motion adopted by unanimous vote of the Board members.

### **Ted Wymyslo, MD, Director of the Ohio Department of Health**

The Board welcomed Dr. Ted Wymyslo, who provided a presentation to the Board. He spoke about the Patient Centered Medical Home (PCMH) model and its implementation throughout Ohio. The Board is pleased that advanced practice nursing is included in PCMH model. Dr. Wymyslo also informed the Board about the initiatives to fight prescription drug abuse, noting that although many successful actions had been taken, additional initiatives would be needed. Lastly, he discussed the need for and the importance of primary care workforce data.

### **Executive Director Report**

Betsy Houchen highlighted the following from the Executive Director Report:

- The Board welcomed Nick Siniff, JD, to the Board as an Adjudication Coordinator.
- Kathy King attended the Ohio Business Expo in Columbus in September to hear from MBE/EDGE vendors about their products and services.
- Lisa Emrich was selected to participate in the NCSBN Institute of Regulatory Excellence (IRE) Fellowship Program, a four-year educational and professional development program designed for nursing regulators.
- Betsy Houchen attended the national Tri-Regulator Symposium, the first collaborative meeting of its kind, hosted by the Federation of State Medical Boards (FSMB), the National Association of Boards of Pharmacy (NABP), and the National Council of State Boards of Nursing (NCSBN).
- The Ohio Action Coalition Steering Committee met in October. Betsy Houchen and Sue Morano represent the Board on the Steering Committee. The main purpose of the meeting was to identify the direction and charges of the Work Groups and select Co-Chairs. The Committee also discussed the ongoing work of the Coalition.
- Judith Church attended the PCMH Education Advisory Group meeting in October. The Ohio Patient-Centered Primary Care Collaborative is presenting a conference in November to provide information and updates regarding national, state, and local PCMH activities.
- On October 22, 2012 the Board requested a formal Attorney General Opinion asking whether, under Section 4723.43(B), Ohio Revised Code, a Certified Registered Nurse Anesthetist (CRNA) has the legal authority to order or prescribe a preoperative or postoperative medication to be administered by another licensed healthcare professional, such as a Registered Nurse or Licensed Practical Nurse. No physician, podiatrist or dentist would be ordering or prescribing the medication in question to be administered by another licensed healthcare professional such as a Registered Nurse or Licensed Practical Nurse. The question envisions a CRNA as the person writing the order or prescription for the drug to be administered. The legal discussion between the Board and the Ohio State

Association of Nurse Anesthetists has continued over four years without progress, resolution or common understanding of certain statutory scope language. The Board believes an AG Opinion will resolve the legal issues and hopefully resolve any confusion regarding this CRNA practice question. After the Board requested the opinion, staff learned that some CRNAs were fearful that the AG Opinion would go beyond the question asked and impinge on current practice. As related to association representatives, the question asked is narrow in scope and staff do not anticipate that being an issue. It is anticipated that an AG Opinion will be clear and may be relied upon by the general public and all interested parties.

- The Board is continuing to pursue the collection of comprehensive nursing workforce data. In the past, the Board requested that the nursing minimum data set questions be embedded in the online nurse renewal application, but these attempts have not been successful. We are again working through the Department of Administrative Services (DAS) to achieve this goal for the 2013 RN renewal cycle.
- Construction on the floor to expand the Board offices is nearly complete and staff moves will occur in late November.

### **Legislative Report**

T. Dilling provided the legislative report. He anticipates that HB 303, revisions to the Nurse Practice Act, will pass the Senate and the General Assembly this session. Board staff has been working with interested parties regarding several amendments, as previously reported to the Board, and agreed to remove and further consider the LPN provisions related to intravenous therapy. In addition, through the amendments to HB 303, the Board would extend the expiration date of the NEGP for ten years, and would have the authority to discipline an applicant or licensee for an action by a non-nursing professional licensing board.

### **Fiscal Report**

Kathy King and Lisa Emrich presented the fiscal report. Board members complimented fiscal staff for their work on the budget and the clarity of the report.

### **Occupational Licensing and Regulatory Boards Report**

The Board reviewed the annual report published by the Legislative Service Commission for FY 2012. The report includes revenues and expenditures, total number of active licenses, and staffing for numerous boards and commissions. The Board was pleased that the report again reported the Board generating a significant amount of surplus revenue for FY 2012.

## **NEW BUSINESS**

### **2012 Administrative Rules – Five-Year Review**

The Board received no comments or testimony on the administrative rules. The proposed rules are scheduled to become effective February 1, 2013.

## **EXECUTIVE SESSION**

On November 15, 2012:

**Action:** It was moved by Melissa Meyer that the Board go into Executive Session to discuss pending or imminent court action with legal counsel, and to discuss the employment, dismissal, discipline, promotion, demotion or compensation of a public employee. A roll call vote was taken. The Board entered Executive Session at 10:10 a.m. and reported out of Executive Session at 10:40 a.m.

## **APPROVALS**

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

Bryant & Stratton College Bachelor of Science in Nursing Degree

**Action:** It was moved Lisa Klenke, seconded by Tracy Ruegg, that the Board grant Conditional approval, in accordance with Rule 4723-5-08, OAC, to Bryant & Stratton College Bachelor of Science in Nursing Degree Program in Parma. It was further moved that the Program submit progress reports to the Board on or before June 20, 2013, December 20, 2013 and December 19, 2014. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

Antonelli College Practical Nursing Program

**Action:** It was moved Tracy Ruegg, seconded by J. Jane McFee, that the Board grant Conditional approval, in accordance with Rule 4723-5-08, OAC, to Antonelli College Practical Nursing Program in Cincinnati. It was further moved that the Program submit progress reports to the Board on or before April 9, 2013 and August 13, 2013. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

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

Marion Technical College

**Action:** It was moved by J. Jane McFee, seconded by Susan Morano, that the Board grant Full approval, in accordance with Rule 4723-5-04, OAC, to Marion Technical College for a period of five years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

Hondros College (Practical Nurse Program)

**Action:** It was moved by Susan Morano, seconded by Melissa Meyer, that the Board grant Full approval, in accordance with Rule 4723-5-04, OAC, to Hondros College (Practical Nurse Program) in Westerville for a period of five years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

Wayne County Schools Career Center Adult Practical Nursing Program

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that the Board grant Full approval, in accordance with Rule 4723-5-04, OAC, to Wayne County Schools Career Center Adult Practical Nursing Program in Smithville for a period of eighteen months effective November 15, 2012. It was further moved that the Program submit progress reports to the Board on or before May 15, 2013 and November 21, 2013. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

Wayne County Schools Career Center High School Practical Nursing Program

**Action:** It was moved by Roberta Stokes, seconded by Maryam Lyon, that the Board grant Full approval, in accordance with Rule 4723-5-04, OAC, to Wayne County Schools Career Center High School Practical Nursing Program in Smithville for a period of five years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

Firelands Regional Medical Center School of Nursing

**Action:** It was moved by Tracy Ruegg, seconded by J. Jane McFee, that the Board grant Full approval, in accordance with Rule 4723-5-04, OAC, to Firelands Regional Medical Center School of Nursing in Sandusky for a period of five years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

Good Samaritan College of Nursing and Health Science

**Action:** It was moved by Lisa Klenke, seconded by J. Jane McFee, that the Board grant Full approval, in accordance with Rule 4723-5-04, OAC, to Good Samaritan College of Nursing and Health Science in Cincinnati for a period of five years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

**Approval of Training programs**

Hemodialysis Services, Inc. Training Program

**Action:** It was moved by Maryam Lyon, seconded by J. Jane McFee, that the Board reapprove, in accordance with Rule 4723-23-07, OAC, Hemodialysis Services, Inc. Training Program in Beachwood for a period of two years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

DaVita Ohio Hemodialysis Technician Training Program

**Action:** It was moved by Roberta Stokes, seconded by Susan Morano, that the Board reapprove, in accordance with Rule 4723-23-07, OAC, DaVita Ohio Hemodialysis Technician Training Program in Strongsville for a period of two years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

MVH/DCD Dialysis Technician Training Program

**Action:** It was moved by Melissa Meyer, Susan Morano, that the Board reapprove, in accordance with Rule 4723-23-07, OAC, MVH/DCD Dialysis Technician Training Program in Dayton for a period of two years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

DCI Cincinnati Dialysis Training Program

**Action:** It was moved by Maryam Lyon, seconded by J. Jane McFee, that the Board reapprove, in accordance with Rule 4723-23-07, OAC, DCI Cincinnati Dialysis Training Program for a period of two years effective November 15, 2012.

Motion carried by majority vote of the Board members with Janet Arwood abstaining.

Centers for Dialysis Care Technician Training Program

**Action:** It was moved by Lisa Klenke, seconded by Tracy Ruegg, that the Board reapprove, in accordance with Rule 4723-23-07, OAC, Centers for Dialysis Care Technician Training Program in Cleveland for a period of two years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

Fresenius Medical Care of Defiance

**Action:** It was moved by Susan Morano, seconded by Melissa Meyer, that the Board approve, in accordance with Rule 4723-23-07, OAC, Fresenius Medical Care of Defiance for a period of two years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood and Maryam Lyon abstaining.

Innovative Dialysis Systems Technician Training Program

**Action:** It was moved by Tracy Ruegg, seconded by J. Jane McFee, that the Board reapprove, in accordance with Rule 4723-23-07, OAC, Innovative Dialysis Systems Technician in Toledo for a period of two years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

DCA of Bowling Green

**Action:** It was moved by Lisa Klenke, seconded by J. Jane McFee, that the Board reapprove, in accordance with Rule 4723-23-07, OAC, DCA of Bowling Green, dialysis technician training program, for a period of two years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

Fresenius Medical Care Toledo

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that the Board approve in accordance with Rule 4723-23-07, OAC, Fresenius Medical Care Toledo, dialysis technician training program, for a period of two years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

Fresenius Medical Care Cleveland Clinic East

**Action:** It was moved by J. Jane McFee, Seconded by Tracy Ruegg, that the Board approve, in accordance with Rule 4723-23-07, OAC, Fresenius Medical Care Cleveland Clinic East, dialysis technician training program, for a period of two years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

Fresenius Medical Care-Cleveland West

**Action:** It was moved by Lisa Klenke, seconded by Tracy Ruegg, that the Board approve, in accordance with Rule 4723-23-07, OAC, Fresenius Medical Care-

Cleveland West, dialysis technician training program, for a period of two years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

The Village at St. Edward

**Action:** It was moved by Susan Morano, seconded by Melissa Meyer, that the Board reapprove, in accordance with Rule 4723-27-07, OAC, The Village at St. Edward, medication aide training program in Fairlawn, for a period of two years effective November 15, 2012. Motion carried by majority vote of the Board members with Janet Arwood abstaining.

**Retroactive Approval for Licensees and Certificate Holders**

**Action:** It was moved by Tracy Ruegg, seconded by Lisa Klenke, that the Board retroactively ratify, as submitted, the licenses and certificates, including temporary work permits, initially issued by the Board August 24, 2012 through October 31, 2012 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.

**National Certifying Organizations for Advanced Practice Nurses**

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that the Board approve, for 2013, the following national certifying organizations for certified nurse practitioners, certified nurse-midwives, certified registered nurse anesthetists, and clinical nurse specialists seeking a certificate of authority to practice in Ohio in accordance with Section 4723.46(A), ORC: American Academy of Nurse Practitioners Certification Program; American Association of Critical-Care Nurses Certification Corporation; American Midwifery Certification Board; American Nurses Credentialing Center; National Board for Certification of Hospice and Palliative Nurses; National Board of Certification and Recertification for Nurse Anesthetists; National Certification Corporation; Oncology Nursing Certification Corporation; and Pediatric Nursing Certification Board. Motion adopted by unanimous vote of the Board.

**National Testing Organizations for Dialysis Technicians**

**Action:** It was moved by Maryam Lyon, seconded by Janet Arwood, that the Board approve, for 2013, the following national testing organizations as dialysis technician testing organizations in accordance with Section 4723.751, ORC and Rule 4723-23-10(A), OAC: the Board of Nephrology Examiners Nursing and Technology and the National Nephrology Certification Organization. Motion adopted by unanimous vote of the Board.

**ADJUDICATION AND COMPLIANCE**

On Thursday, November 15, 2012, Darlene J. Barnes and her attorney, Elizabeth Collis, Esq., addressed the Board regarding the Report and Recommendation involving Ms. Barnes. Henry Appel, AAG, responded.

On Friday, November 16, 2012, 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.

## **Board Actions**

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

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

Woods, Coralie D., R.N. 286816 (CASE #11-1992); Marvin, Mary F., R.N. 264396 (CASE #12-1205); Duvall, Cheryl A., R.N. 270526 (CASE #12-2354); Zook, Rhonda S., R.N. 357163 (CASE #12-2957); Moran, Christine E., R.N. NCLEX (CASE #12-4688); Massey, Laurie K., R.N. 276203 (CASE #12-0202); Hashman, Justin M., R.N. 346061, P.N. 125166 (CASE #12-1136); Moore, Linda J., P.N. 130457 (CASE #11-3676); Wolfe, Ann E., R.N. 207832 (CASE #09-3129); Allen, Shelby A., P.N. NCLEX (CASE #12-5262); Jones, Tracy D., P.N. 105947 (CASE #12-4623); Cannon, Cheryl A., R.N. 213424 (CASE #12-2211); McBride, Julie A., R.N. 249967, P.N. 087676 (CASE #12-2785); Rodriguez, Sarah N., P.N. 125927 (CASE #12-1283); Davis, Vickie L., P.N. 146251 (CASE #12-2465); Volz, Emily E., P.N. NCLEX (CASE #11-4649); Tompkins, Clinton W., P.N. 101399 (CASE #12-3937); Booth, Yvonne, P.N. 112627 (CASE #12-3257); Campbell, Tracey L., P.N. 142237 (CASE #12-2245); Gresham, Jonetta, P.N. 103449 (CASE #12-3854); Zamarripa, Carrie M., P.N. 123982 (CASE #11-1098); Cooper, Crystal L., P.N. 114000 (CASE #11-3490); Fowler, Mary Ann, P.N. 137260 (CASE #11-5357); Sommers, Lorilee E., R.N. 229070 (CASE #12-4026); Hamilton, Renee L., P.N. 112985 (CASE #12-1389); Coleman, Jeremy D., P.N. 119889 (CASE #12-2970); Griffin, Jennifer S., R.N. 286323 (CASE #11-3265); Wilt, Jo A., R.N. 243707 (CASE #11-3264); Thyen, Bernard J., R.N. 221472 (CASE #11-3263); Ruffin, Yolanda F., P.N. 123563 (CASE #12-1783); Carpenter, Kelley A., R.N. 319262, P.N. 110543 (CASE #12-2818); Reynolds, Cheryl J., R.N. 269433 (CASE #10-1222); Rankin, Janina D., R.N. 309562 (CASE #11-5366); McKinney, Janella, P.N. 104585 (CASE #11-0733); Cloyd, Shannon M., R.N. 340715, P.N. 123836 (CASE #12-1139); Smith, Kathryn E., P.N. 124140 (CASE #12-3108); Ziamba, Valerie R., R.N. 235248 (CASE #11-3484); Schubert, Deborah K., R.N. 292979 (CASE #11-3934); Stovall, Monica Y., P.N. 123168 (CASE #11-3871); Seiler, Pam R., R.N. 174812 (CASE #11-3981); Galaviz, Jessica L., R.N. 246757 (CASE #12-5987); Stevens, Mary K., P.N. NCLEX (CASE #11-5207); Kelso, Ryan A., R.N. 299938 (CASE #11-4563); Bellian Jr., Joseph G., R.N. 318110 (CASE #12-4033); Beckler, Amy M., R.N. 145440 (CASE #11-3460); and

Gartrell, Pamela J., R.N. 264501 (CASE #12-5511).

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 November 2012 Board Meeting.

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

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

Payne, Scott T., R.N. 357381 (CASE #11-4032); Mendenhall, Kari S., R.N. 322321 (CASE #12-1580); Hinkle, Sean C., R.N. 354252 (CASE #12-5635); Walling, Rebecca D., P.N. 112106 (CASE #12-5550); Hudson, Amy H., R.N. 327128 (CASE #12-5636); Bufwack, Robin L., R.N. 347207 (CASE #11-2799); Rapposelli, Wendy B., R.N. 297304 (CASE #12-5364); Lawson, Beth A., R.N. 205000 (CASE #12-5592); Bowman, Jessica J., P.N. 117743 (CASE #12-3073); Lavender, Larry A., R.N. 376326, NA 12937 (CASE #12-6263); Stack, Jennifer L., P.N. 105651 (CASE #12-5997); and Barfell, Jayme R., R.N. 313739, P.N. 107990 (CASE #11-2163).

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 November 2012 Board Meeting.

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

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

Ortega, Ronald J., P.N. 088774 (CASE #12-4466); Seawright, Theresa, R.N. 220039, P.N. 070707 (CASE #12-1905); Pease, Shelley L., R.N. 279608 (CASE #12-4467); Rose, Travis A., R.N. 361460, P.N. 131690 (CASE #12-1184); Wright, Julie A., P.N. 115799 (CASE #12-5115); Combs, Karen D., P.N. 096935 (CASE #12-4723); Skorepa, Arthur D., P.N. 144827 (CASE #12-4248); Thornton, Lori A., R.N. 354396 (CASE #12-5308); Ferguson, Teresa E., R.N. 256060 (CASE #12-4986); Martinez, Patricia A., R.N. 310787 (CASE #12-4249); Dotson, Latrina M., P.N. 123838 (CASE #12-1791); Poland, Raejean, P.N. 106604 (CASE #12-3150); Rambo, Calla R., R.N. 290442

(CASE #12-4913); Kuneff, Kendra N., P.N. 132614 (CASE #12-5366); and Rourke, Aimee E., R.N. 225985 (CASE #12-3556).

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 November 2012 Board Meeting.

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

**Action:** It was moved by Lisa Klenke, seconded by J. Jane McFee, 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):

Barr, Jennifer, P.N. 133599 (CASE #12-1540); Seymour, Erica J., R.N. 286447 (CASE #11-1934); Pawlowicz, Erin J.A., R.N. 296978 (CASE #12-0004); Hall, Jennifer S., R.N. 294884 (CASE #12-0008); Rabich, Erin L., R.N. 348047 (CASE #09-5696); and O'Leary, James P., R.N. 259502 (CASE #12-0039).

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 November 2012 Board Meeting.

### **SURRENDERS**

#### **Permanent Voluntary Surrender**

**Action:** It was moved by Janet Arwood, seconded by Lisa Klenke, that the Board accept the Permanent Voluntary Surrender of License for the following case(s):

Clark, Shawna L., R.N. 305660, P.N. 101406 (CASE #11-1891); Bohn, Patricia M., R.N. 250962 (CASE #12-5553); Adkins, Danielle N., R.N. 343044 (CASE #12-5634).

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 November 2012 Board Meeting.

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

**Action:** It was moved by Tracy Ruegg, 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):

Bak, Patricia J., R.N. NCLEX (CASE #11-3308).

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

Complete copies of the Voluntary Non-Permanent Withdrawal of Application for Licensure by Endorsement shall be maintained in the exhibit book for the November 2012 Board Meeting.

### **CONSENT AGREEMENTS**

**Action:** It was moved by J. Jane McFee, seconded by Janet Arwood, 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):

Wachsman, Michelle A., R.N. 188775 (CASE #12-5234); Brown Jr., Elmer L., TC 1 01423 (CASE #12-4446); Givan, Geoff M., R.N. 356535 (CASE #11-3141); Leveck, Kathleen G., R.N. 120634 (CASE #12-5229); Copley, Matthew T., R.N. 337577 (CASE #11-2373); Price, Jane A., P.N. 051084 (CASE #12-4210); Eubanks, Erika S., R.N. 308455 (CASE #12-2064); Davis, Kristi D., R.N. 270426 (CASE #11-3424); Worrell, Theresa C., R.N. 338767, P.N. 124308 (CASE #11-4789); Walker, James B., R.N. 266496, NA 08120 (CASE #11-2838); Nowak, Joan (Joni) M., R.N. 162623 (CASE #11-0672); Goodman, Felicia I., P.N. 114123 (CASE #12-3371); Hazelton, Dawn N., R.N. 279517 (CASE #12-1162); Grover, Nancy M., R.N. 162995 (CASE #09-6208); Whitenack, Benjamin A., P.N. 128909 (CASE #11-2160); Noonan, Bobbie J., R.N. 283881 (CASE #12-5561); Hampton, Aisha M., R.N. 310360 (CASE #12-1539); Lee, Amber D., P.N. 119739 (CASE #11-4019); Robinson, Ajhia R., P.N. 148524 (CASE #12-4250); Coffin, Terra E., R.N. endorse (CASE #12-4193); Rowe, Heather L., R.N. 310153 (CASE #09-3165); Robinson III, Donald A., P.N. 134500 (CASE #12-4814); Smith, Latonia D., D.T. 01004, TC2 01004 (CASE #09-4307); Eaton, William C., R.N. NCLEX (CASE #12-0987); O'Donnell, Brian D., R.N. 281968 (CASE #11-3158); Bohnsack, Matthew G., R.N. 232310 (CASE #11-0182); Miller, Asia, CMA 00166 (CASE #12-2707); Davis, Amanda N., R.N. 340071, NP 12007, RX 12007 (CASE #11-0222); Miller, Nicholas R., P.N. NCLEX (CASE #12-3653); Koepf, Kortnie L., R.N. 342075 (CASE #12-5810); Young, Lee A., TC1 applicant (CASE #12-3488); Bowersock, Stacey L., P.N. 139072 (CASE #12-5612); McGaha, Ashley M., R.N. NCLEX (CASE #12-3477); Dunburg, Erin N., P.N. 138529 (CASE #12-0404); Murawski, Linda J., R.N. 145012 (CASE #12-1361); Jackson, Dorothy J., R.N. 314290, P.N. 108190 (CASE #11-4493); Brown, Jo Ann, P.N. 139524

(CASE #12-1442); Coonrod, Lola J., R.N. 264651 (CASE #11-3797); Lara, Elizabeth E., P.N. 098377 (CASE #12-3794); Kauffman, Melinda L., P.N. 099079 (CASE #12-5552); Knightstep, Brandy M., R.N. 307910 (CASE #12-1651); Hill, Chrystal L., R.N. 348633 (CASE #12-4988); Blankenship, Mary J., R.N. 261096 (CASE #10-5351); Sushchuk, Kelly A., P.N. NCLEX (CASE #12-3947); Vilevac, Sarah R., R.N. 263597 (CASE #12-3885); Tammarine-Martin, Bernadine E., R.N. 320422 (CASE #10-2673); Tillman, Pamela F., P.N. 045107 (CASE #12-3907); Aman, Margaret C., P.N. 123179 (CASE #12-0429); Camara, Jennifer L., R.N. 285628 (CASE #11-4842); Ruben, Jeanette M., R.N. 216047 (CASE #12-0374); Walkin, Ryan L., R.N. 288620 (CASE #12-2726); Glaze, Catrina L., P.N. 109801 (CASE #12-5052); Loges, Lori D., R.N. 307913 (CASE #11-4601); Sullivan, James E., P.N. 114343 (CASE #09-4833); Gnagey, Misty A., R.N. 334275 (CASE #09-5837); Von Bauer, Diana L., P.N. 105650 (CASE #12-2411); McCall, Tina M., P.N. 132354 (CASE #12-1885); Roberts, Sharde N., P.N. 126453 (CASE #12-0605); Fritts, Susan, R.N. 206665 (CASE #12-3133); Webb, John C., P.N. NCLEX (CASE #12-0845); Berkal, Louise A., R.N. 262658 (CASE #12-6037); Taflinger, Nicholas G., P.N. 139073 (CASE #11-2743); Estes, Misty R., P.N. 101171 (CASE #12-5562); Cohee, Bobby G., P.N. 083868 (CASE #12-6384); Tombragel, Jodi L., R.N. 262522 (CASE #12-1096); Binion, Michelle R., P.N. 098822 (CASE #11-2430); Delp, Brandy L., P.N. NCLEX (CASE #12-4216); Ansback, Denise M., R.N. 302798 (CASE #12-5811); Allen, Gail L., R.N. 328364 (CASE #11-2033); Coyne, Alice, P.N. 127558 (CASE #09-4785); Whitehead, Lekeisha M., P.N. 139232 (CASE #12-3210); Dennis, Casey L, P.N. 122954 (CASE #10-4727); Eade, Andrew L., R.N. 272575 (CASE #11-3679); Koblitz, Janet A., R.N. 257274 (CASE #12-2663); DeWine, Amy M., R.N. 324423 (CASE #10-1484); French, Megan D., R.N. 348755 (CASE #12-3094); Short, Lisa L., P.N. 137522 (CASE #12-5613); Head, Jacinda D., P.N. NCLEX (CASE #12-4939); Pence (Haines), Jennifer G., R.N. 356792 (CASE #12-5875); Whisner, Stacy L., R.N. 268932, NP 06117, RXEX2 06117 (CASE #12-6497); Marquez, Cassandra K., P.N. NCLEX (CASE #12-5254); Perry, Danielle B., R.N. NCLEX (CASE #12-3715); Ramey, Joshua O., R.N. 385817 (CASE #12-2739); and Battaglia, Susan, R.N. 147009 (CASE #12-5551).

Judith Church abstained from voting on all cases. Susan Morano abstained from voting on the following cases only: Wachsmann, Michelle A., R.N. 188775 (CASE #12-5234); Rowe, Heather L., R.N. 310153 (CASE #09-3165); Koepf, Kortnie L., R.N. 342075 (CASE #12-5810); and Von Bauer, Diana L., P.N. 105650 (CASE #12-2411). Tracy Ruegg abstained from voting on Berkal, Louise A., R.N. 262658 (CASE #12-6037) and Whisner, Stacy L., R.N. 268932, NP 06117, RXEX2 06117 (CASE #12-6497) only.

Maryam Lyon voted no on Robinson, Ajhia R., P.N. 148524 (CASE #12-4250) and Ruben, Jeanette M., R.N. 216047 (CASE #12-0374) only. J. Jane McFee voted no on Tillman, Pamela F., P.N. 045107 (CASE #12-3907) only. Susan Morano voted no on Noonan, Bobbie J., R.N. 283881 (CASE #12-5561) only. Tracy Ruegg voted no on the following cases only: Smith, Latonia D., D.T.

01004, TC2 01004 (CASE #09-4307); Eaton, William C., R.N. NCLEX (CASE #12-0987); Davis, Amanda N., R.N. 340071, NP 12007, RX 12007 (CASE #11-0222); Koepf, Kortnie L., R.N. 342075 (CASE #12-5810); Knightstep, Brandy M., R.N. 307910 (CASE #12-1651); Tillman, Pamela F., P.N. 045107 (CASE #12-3907); and Ruben, Jeanette M., R.N. 216047 (CASE #12-0374).

Motion adopted by majority vote of the Board members.

Complete copies of the Consent Agreements shall be maintained in the exhibit book for the November 2012 Board Meeting.

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

Bletsch, Erin A., P.N. 131547 (CASE #11-1340)

**Action:** It was moved by J. Jane McFee, seconded by Tracy Ruegg, that the Board accept all of the Findings of Fact and Conclusions of Law of the Hearing Examiner, and modify the Recommendation in the Hearing Examiner's Report and Recommendation, and ordered that **ERIN ALEXIS BLETSCH's** license to practice nursing as a licensed practical nurse in the State of Ohio be suspended for an indefinite period of time with the conditions for reinstatement set forth below, and following reinstatement, **Ms. Bletsch's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years, with the **Temporary Practice** and **Temporary Narcotic Restrictions** set forth below.

The rationale for the modification is the following:

**MS. BLETSCH'S** violation concerns self-administration of cocaine, a highly addictive drug. The Board in its expertise has determined that **MS. BLETSCH'S** license should be suspended pending the results of a chemical dependency evaluation.

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

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

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

#### **Reporting Requirements of MS. BLETSCH**

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

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

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

6. For a minimum period of one (1) year during the probationary period, **MS. BLETSCHE** 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. BLETSCHE** 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. BLETSCHE** 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. BLETSCHE** 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. BLETSCHE** 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. BLETSCHE** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. BLETSCHE** 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. BLETSCHE** shall **notify the Board, in writing.**
11. **MS. BLETSCHE** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. BLETSCHE** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MS. BLETSCHE** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this

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

### **Reporting Requirements of MS. BLETSCH**

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

### **Temporary Narcotic Restriction**

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

### **Temporary Practice Restrictions**

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

**MS. BLETSCHE** 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. BLETSCHE's suspension shall be lifted and MS. BLETSCHE's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. BLETSCHE** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. BLETSCHE** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. BLETSCHE** 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. BLETSCHE** has complied with all aspects of this Order; and (2) the Board determines that **MS. BLETSCHE** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. BLETSCHE** and review of the reports as required herein. Any period during which **MS. BLETSCHE** 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 16<sup>th</sup> day of November, 2012.

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

Baiera, Vincent J., R.N. 343899 (CASE #11-3546)

**Action:** It was moved by Tracy Ruegg, seconded by J. Jane McFee, that the Board accept all of the Findings of Fact and Conclusions of Law of the Hearing

Examiner, and modify the Recommendation in the Hearing Examiner's Report and Recommendation, and ordered that **VINCENT J. BAIERA's** license to practice nursing as a registered nurse in the State of Ohio be suspended for an indefinite period of time but not less than six (6) months with the conditions for reinstatement set forth below, and following reinstatement, Mr. Baiera's license to practice nursing as a registered nurse shall be subject to the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years, with the **Temporary Practice Restrictions** set forth below.

On this date, the Board further ordered that any period during which Mr. Baiera does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by the Board's Order. The rationale for this part of the Order is that one purpose of the probationary period is to allow the Board to monitor Mr. Baiera's practice as a registered nurse in an employment setting under the circumstances and stresses existing in that setting with employer feedback. The educational setting proposed by Mr. Baiera involves advanced practice nursing and Mr. Baiera needs to first demonstrate that he can practice nursing safely as a registered nurse.

The rationale for the modification is the following:

The record reflects that Mr. Baiera has an extensive history of issues with alcohol and criminal actions as a result of his alcohol use. The Board in its expertise has determined that a period of suspension is warranted during which time Mr. Baiera will need to obtain a chemical dependency evaluation and demonstrate that he can abstain from alcohol prior to returning to the practice of nursing.

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

1. **MR. BAIERA** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. BAIERA** 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. BAIERA** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MR. BAIERA**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MR. BAIERA'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. BAIERA** 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. BAIERA's** history. **MR. BAIERA** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MR. BAIERA** shall abstain completely from the use of alcohol or any products containing alcohol.
6. **Prior to requesting reinstatement by the Board, MR. BAIERA** 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. BAIERA** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MR. BAIERA** 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. BAIERA's** license, and a statement as to whether **MR. BAIERA** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MR. BAIERA** 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. BAIERA's** license.
8. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MR. BAIERA** 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. BAIERA'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. BAIERA** shall be negative, except for substances prescribed, administered, or dispensed to his by another so authorized by law who has full knowledge of **MR. BAIERA's** history.
9. Within thirty (30) days prior to **MR. BAIERA** initiating drug screening, **MR. BAIERA** 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. BAIERA**.

10. After initiating drug screening, **MR. BAIERA** 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. BAIERA** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
11. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MR. BAIERA** 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. BAIERA** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MR. BAIERA**

12. **MR. BAIERA** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
13. **MR. BAIERA** 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. BAIERA** 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. BAIERA** 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. BAIERA** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MR. BAIERA** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MR. BAIERA** 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. BAIERA** submits a written request for reinstatement; (2) the Board determines that **MR. BAIERA** has complied with all conditions of reinstatement; and (3) the Board determines that **MR. BAIERA** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MR. BAIERA** and review of the documentation specified in this Order.

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

1. **MR. BAIERA** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. BAIERA** 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. BAIERA** 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. BAIERA's** history. **MR. BAIERA** shall self-administer prescribed drugs only in the manner prescribed.
4. **MR. BAIERA** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MR. BAIERA** 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. BAIERA** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. BAIERA's** history.
6. **MR. BAIERA** 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. BAIERA** 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. BAIERA** 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. BAIERA** 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. BAIERA** 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. BAIERA** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MR. BAIERA** 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. BAIERA** shall **notify the Board, in writing.**
11. **MR. BAIERA** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MR. BAIERA** shall have his employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MR. BAIERA** shall have his employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MR. BAIERA**

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

#### **Temporary Practice Restrictions**

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

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

nature of the charges and automatic suspension of his license. Upon receipt of this notice, **MR. BAIERA** 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. BAIERA** has complied with all aspects of this Order; and (2) the Board determines that **MR. BAIERA** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MR. BAIERA** and review of the reports as required herein. Any period during which **MR. BAIERA** 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 16<sup>th</sup> day of November, 2012.

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

Blechinger, Storm I., P.N. 124138 (CASE #09-5704)

**Action:** It was moved by Lisa Klenke, seconded by Tracy Ruegg, that the Board accept all of the Findings of Fact and Conclusions of the Board Hearing Committee, and the Recommendation in the Hearing Examiner's Report and Recommendation, and find that **STORM IMAGERY BLECHINGER** committed acts in violation of the Nurse Practice Act as set forth in the September 23, 2011, Default Order issued by the Board, and that **MS. BLECHINGER's** failure to attend the examination ordered by the Board was not due to circumstances beyond her control. Further, the Board ordered that **STORM IMAGERY BLECHINGER's** license to practice nursing as a licensed practical nurse in the State of Ohio be suspended for an indefinite period of time effective September 23, 2011, with the conditions for reinstatement as set forth in the September 2011 Default Order.

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

Gill, Debra D., R.N. 264270 (CASE #11-2807)

**Action:** It was moved by Janet Arwood, seconded by Lisa Klenke, 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 **DEBRA D. GILL's** license to practice nursing as a registered nurse in the State of Ohio be **PERMANENTLY REVOKED**.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 16<sup>th</sup> day of November, 2012.

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

Heeter, Sherry A., R.N. 261699 (CASE #11-1378)

**Action:** It was moved by Roberta Stokes, seconded by Maryam Lyon, that the Board accept all of the Findings of Fact and Conclusions of Law of the Hearing Examiner, and the Recommendation in the Hearing Examiner's Report and Recommendation, and ordered that **SHERRY ANN HEETER's** license to practice nursing as a registered nurse in the State of Ohio be suspended for an indefinite period of time but not less than two (2) years with the conditions for reinstatement set forth below, and following reinstatement, **MS. HEETER's** license to practice nursing as a registered nurse shall be subject to the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years, with the **Permanent Practice** and **Temporary Narcotic Restrictions** set forth below.

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

1. **MS. HEETER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HEETER** 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. HEETER** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. HEETER**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. HEETER'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. HEETER** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: one (1) hour of Ohio Nursing Law and Rules, ten (10) hours of Substance Abuse, and five (5) hours of Critical Thinking.

#### **Monitoring**

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

6. **MS. HEETER** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **Prior to requesting reinstatement by the Board, MS. HEETER** 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. HEETER** shall provide the chemical dependency professional with a copy of this Order, and the December 2011 Notice of Immediate Suspension and Opportunity for Hearing and the January 2012 Notice of Opportunity for Hearing (“the Notices”). Further, **MS. HEETER** 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. HEETER's** license, and a statement as to whether **MS. HEETER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. HEETER** 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. HEETER's** license.
9. **For a minimum, continuous period of two (2) years immediately prior to requesting reinstatement, MS. HEETER** 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. HEETER'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. HEETER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HEETER's** history.
10. Within thirty (30) days prior to **MS. HEETER** initiating drug screening, **MS. HEETER** 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. HEETER**.

11. After initiating drug screening, **MS. HEETER** 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. HEETER** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
12. **For a minimum, continuous period of two (2) years immediately prior to requesting reinstatement, MS. HEETER** 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. HEETER** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. HEETER**

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

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

1. **MS. HEETER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HEETER** 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. HEETER** 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. HEETER's** history. **MS. HEETER** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. HEETER** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. HEETER** 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. HEETER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HEETER's** history.
6. **MS. HEETER** 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. HEETER** 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. HEETER** 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. HEETER** 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. HEETER** 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. HEETER** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. HEETER** 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. HEETER** shall **notify the Board, in writing.**
11. **MS. HEETER** is under a continuing duty to provide a copy of this Order, and the Notice of Immediate Suspension and Opportunity for Hearing and the Notice of Opportunity for Hearing (“the Notices”) to any new employer **prior to accepting nursing employment.** **MS. HEETER** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MS. HEETER** 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.

#### **Reporting Requirements of MS. HEETER**

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

#### **Temporary Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

**MS. HEETER** 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. HEETER's** suspension shall be lifted and **MS. HEETER's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. HEETER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. HEETER** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. HEETER** 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. HEETER** has complied with all aspects of this Order; and (2) the Board determines that **MS. HEETER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. HEETER** and review of the reports as required herein. Any period during which **MS. HEETER** 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 16<sup>th</sup> day of November, 2012.

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

Cook, Carolyn M., R.N. 154555 (CASE #10-3274)

**Action:** It was moved by Maryam Lyon, seconded by Susan Morano, that the Board accept all of the Findings of Fact and Conclusions of Law of the Hearing Examiner, and the Recommendation in the Hearing Examiner's Report and Recommendation, and ordered that **CAROLYN M. COOK's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time and that the suspension is stayed subject to the probationary terms, conditions, and limitations for a minimum period of one (1) year, with the **Temporary Practice Restrictions** set forth below.

**MS. COOK's** license to practice nursing as a registered nurse shall be subject to the following probationary terms, conditions, and limitations for a minimum period of one (1) year:

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

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

### **Monitoring**

4. **Within forty-five (45) days of the effective date of this Order, MS. COOK** 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. COOK** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. COOK** 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. COOK's** license, and a statement as to whether **MS. COOK** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care
5. **MS. COOK** 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. COOK'S** license.
6. **MS. COOK** 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. COOK's** history. **MS. COOK** shall self-administer prescribed drugs only in the manner prescribed.
7. **MS. COOK** shall abstain completely from the use of alcohol or any products containing alcohol.
8. **Within forty-five (45) days of the effective date of this Order**, during the probationary period, **MS. COOK** 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. COOK** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. COOK's** history.

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

### **Treating Practitioners and Reporting**

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

### **Employment Conditions**

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

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

### **Reporting Requirements of MS. COOK**

15. **MS. COOK** shall sign release of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
16. **MS. COOK** 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. COOK** 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. COOK** 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. COOK** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
20. **MS. COOK** shall verify that the reports and documentation required by this Order are received in the Board office.
21. **MS. COOK** 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. COOK** 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. COOK** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MS. COOK** 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. COOK's suspension shall be lifted and MS. COOK's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. COOK** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. COOK** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. COOK** 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. COOK** has complied with all aspects of this Order; and (2) the Board determines that **MS. COOK** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. COOK** and review of the reports as required herein. Any period during which **MS. COOK** 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 16<sup>th</sup> day of November, 2012.

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

McClary, James C., R.N. 292019, P.N. 093431 (CASE #09-4062)

**Action:** It was moved by Susan Morano, seconded by Maryam Lyon, 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 **JAMES CARL MCCLARY'S** licenses to practice nursing as a registered nurse and as a licensed practical nurse in the State of Ohio be **PERMANENTLY REVOKED**.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 16<sup>th</sup> day of November, 2012.

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

Cole, Ebony D., P.N. 121175 (CASE #11-4702)

**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 of the Hearing Examiner, and the Recommendation in the Hearing Examiner's Report and Recommendation, and ordered that **EBONY D. COLE's** license to practice nursing as a licensed practical nurse in the State of Ohio be suspended for an indefinite period of time but not less than five (5) years with the conditions for reinstatement set forth below, and following reinstatement, **Ms. Cole's** license to practice nursing as a licensed practical nurse shall be subject to the probationary terms, conditions, and limitations set forth below for a minimum period of five (5) years, with the **Permanent Practice** and **Permanent Narcotic Restrictions** set forth below.

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

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

### **Reporting Requirements of MS. COLE**

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

**Following reinstatement, MS. COLE shall be subject to the following probationary terms, conditions, and limitations for a minimum period of five (5) years.**

1. **MS. COLE** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. COLE** 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. COLE shall notify the Board, in writing.**
4. **MS. COLE** is under a continuing duty to provide a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. COLE** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MS. COLE** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. COLE**

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

#### **Permanent Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

**MS. COLE** 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. COLE's suspension shall be lifted and MS. COLE's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. COLE** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. COLE** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. COLE** 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. COLE** has complied with all aspects of this Order; and (2) the Board determines that **MS. COLE** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. COLE** and review of the reports as required herein. Any period during which **MS. COLE** 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 16th day of November, 2012.

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

Barnes, Darlene J., R.N. 120798, NS 07365, RX 07365 (CASE #11-1658)

**Action:** It was moved by J. Jane McFee, seconded by Tracy Ruegg, that the Board grant the joint motion to place State's Exhibit 10 under seal as it contains confidential information. It was further moved that the Board accept all of the Findings of Fact and Conclusions of Law of the Hearing Examiner, and modify the Recommendation in the Hearing Examiner's Report and Recommendation, and ordered that **DARLENE J. BARNES's** license to practice nursing as a registered nurse, her certificate of authority to practice as a clinical nurse specialist and her certificate to prescribe in the State of Ohio be suspended for an indefinite period of time as follows: (1) **Ms. Barnes's** license to practice

nursing as a registered nurse and certificate of authority shall be suspended for a minimum period of six (6) months with the conditions for reinstatement set forth below, and following reinstatement, **Ms. Barnes's** license to practice nursing and certificate of authority shall be subject to the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years; (2) **Ms. Barnes's** certificate to prescribe shall be suspended for a minimum period of one (1) year following reinstatement of her registered nursing license and certificate of authority, with, as a condition for reinstatement, **Ms. Barnes** be in full compliance with the probationary terms, conditions and limitations set forth below.

The rationale for the modification is the following:

The Board in its expertise has determined that a minimum six (6) month suspension period is warranted during which time **MS. BARNES** will be required to obtain a chemical dependency evaluation by an evaluator approved by the Board or its designee, who has received a copy of the Hearing Examiner's Report and Recommendation, and submit to drug screening to ensure that **Ms. Barnes** is not self-administering substances that are not legally prescribed and that **MS. BARNES** is capable of practicing nursing safely. Further, because **Ms. Barnes's** violation involved calling in false prescriptions for herself, **MS. BARNES's** certificate to prescribe should remain suspended during the first year of her practice as a registered nurse and clinical nurse specialist subject to Board monitoring.

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

1. **MS. BARNES** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. BARNES** 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. BARNES** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. BARNES**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. BARNES'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. BARNES** shall submit documentation of her full compliance with the terms and conditions imposed by the Sandusky County Court of Common Pleas in Case Number 12-CR-58.

## Monitoring

5. **MS. BARNES** 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. BARNES's** history. **MS. BARNES** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. BARNES** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **Prior to requesting reinstatement by the Board, MS. BARNES** 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. BARNES** shall provide the chemical dependency professional with a copy of the Hearing Examiner's Report and Recommendation, this Order, and the March 2012 Notice of Immediate Suspension and Opportunity for Hearing and the May 2012 Notice of Opportunity for Hearing ("the Notices"). Further, **MS. BARNES** 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. BARNES's** license and/or certificates, and a statement as to whether **MS. BARNES** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. BARNES** 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. BARNES's** license and/or certificates.
9. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. BARNES** 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. BARNES'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. BARNES** shall be negative, except for substances prescribed,

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

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

### **Reporting Requirements of MS. BARNES**

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

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

**Following reinstatement of her registered nursing license and certificate of authority, MS. BARNES shall be subject to the Probationary Terms, Conditions, and Limitations set forth below for a minimum period of two (2) years. Further, the suspension of MS. BARNES's certificate to prescribe shall continue for a minimum period of one (1) year following reinstatement of her registered nursing license and certificate of authority to practice as a clinical nurse specialist, with, as a condition for reinstatement, MS. BARNES be in full compliance with the Probationary Terms, Conditions, and Limitations set forth below. Once reinstated, MS. BARNES's certificate to prescribe shall be subject to the PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW.**

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

5. During the probationary period, **MS. BARNES** 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. BARNES** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. BARNES's** history.
6. **MS. BARNES** 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. BARNES** 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. BARNES** 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. BARNES** 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. BARNES** 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. BARNES** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. BARNES** shall notify the Board of any and all medication(s) or prescription(s) received.

#### **Employment/Practice Conditions**

10. Prior to accepting employment as a nurse, each time with every employer, **MS. BARNES** shall notify the Board, in writing. Prior to entering into a standard care arrangement, **MS. BARNES** shall notify the Board, in writing, of all collaborating physician(s).
11. **MS. BARNES**, if working in a position in which a nursing license is required, shall provide any employers and collaborating physician/physicians, with a copy of this Order. Further, **MS. BARNES** is

under a continuing duty to provide a copy of this Order to any new employer prior to accepting nursing employment and to any collaborating physician prior to entering into a standard care arrangement. **MS. BARNES** shall have her employer(s), if working in a position where a nursing license is required, and collaborating physician(s) submit written reports regarding job performance on a quarterly basis beginning within thirty (30) days of working in a nursing position. **MS. BARNES** shall have her employer(s) and collaborating physician(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order, including the date the Order was received.

### **Reporting Requirements of MS. BARNES**

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

### **FAILURE TO COMPLY**

**The stay of MS. BARNES's suspension shall be lifted and MS. BARNES's** license to practice nursing as a registered nurse, certificate of authority, and certificate to prescribe will be automatically suspended if it appears to the Board that **MS. BARNES** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. BARNES** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. BARNES** 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. BARNES** has complied with all aspects of this Order; and (2) the Board determines that **MS. BARNES** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. BARNES** and review of the reports as required herein. Any period during which **MS. BARNES** 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 16th day of November, 2012.

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

Hornschemeier, Martha P., R.N. 096143 (CASE #10-1588)

**Action:** It was moved by Tracy Ruegg, seconded by J. Jane McFee, that the Board grant **MS. HORNSCHEMEIER's** Motion to submit late, additional objections to the Report and Recommendation and to submit additional evidence. It was further moved 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 **MARTHA P. HORNSCHEMEIER'S** license to practice nursing as a registered nurse in the State of Ohio be **PERMANENTLY REVOKED**.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 16th day of November, 2012.

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

Fontaine, Helena O., P.N. 141691 (CASE #11-5237)

**Action:** It was moved by Lisa Klenke, seconded by Tracy Ruegg, 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 **HELENA O. FONTAINE'S** license to practice nursing as a licensed practical nurse in the State of Ohio be **PERMANENTLY REVOKED**.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 16<sup>th</sup> day of November, 2012.

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

#### **BOARD HEARING COMMITTEE PANEL**

Heim, Victoria A., R.N. 146928 (CASE #11-4739)

**Action:** It was moved by Roberta Stokes, seconded by Maryam Lyon, that the Board accept all of the Findings of Fact and Conclusions of the Board Hearing Committee, and the Recommendation in the Board Hearing Committee's Report and Recommendation, and ordered that **VICTORIA ANNE HEIM's** license to practice nursing as a registered nurse in the State of Ohio be suspended for an indefinite period of time but not less than six (6) months with the conditions for reinstatement set forth below, and following reinstatement, **MS. HEIM's** license to practice nursing as a registered nurse shall be subject to the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years, with the **Temporary Practice Restrictions** set forth below.

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

1. **MS. HEIM** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HEIM** 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. HEIM** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. HEIM**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. HEIM'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. HEIM** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: two (2) hours of Ohio Nursing Law and Rules, five (5) hours of Ethics, and five (5) hours of Drug Addiction.

#### **Monitoring**

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

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

#### **Reporting Requirements of MS. HEIM**

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

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

1. **MS. HEIM** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HEIM** 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. HEIM** 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. HEIM's** history. **MS. HEIM** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. HEIM** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. HEIM** 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. HEIM** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. HEIM's** history.
6. **MS. HEIM** 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. HEIM** 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. HEIM** 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. HEIM** 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. HEIM** 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. HEIM** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. HEIM** 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. HEIM** shall **notify the Board, in writing**.
11. **MS. HEIM** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer **prior to accepting nursing employment**. **MS. HEIM** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment**. **MS. HEIM** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. HEIM**

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

#### **Temporary Practice Restrictions**

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

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

automatic suspension of her license. Upon receipt of this notice, **MS. HEIM** 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. HEIM** has complied with all aspects of this Order; and (2) the Board determines that **MS. HEIM** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. HEIM** and review of the reports as required herein. Any period during which **MS. HEIM** 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 16<sup>th</sup> day of November 2012.

Motion adopted by majority vote of the Board members with Janet Arwood, Judith Church, Bertha Lovelace and Tracy Ruegg abstaining.

Santiago-Dubsky, Amy K., P.N. 113560 (CASE #11-4409)

**Action:** It was moved by Susan Morano, seconded by J. Jane McFee, that the Board accept all of the Findings of Fact and Conclusions of the Board Hearing Committee, and the Recommendation in the Board Hearing Committee's Report and Recommendation, and ordered that **AMY KRISTEN SANTIAGO-DUBSKY's** license to practice nursing as a licensed practical nurse in the State of Ohio be suspended for an indefinite period of time but not less than one (1) year with the conditions for reinstatement set forth below, and following reinstatement, **MS. SANTIAGO-DUBSKY's** license to practice nursing as a licensed practical nurse shall be subject to the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years, with the **Temporary Practice Restrictions** set forth below.

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

1. **MS. SANTIAGO-DUBSKY** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. SANTIAGO-DUBSKY**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. SANTIAGO-DUBSKY'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. SANTIAGO-DUBSKY** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: two (2) hours of Ohio Nursing Law and Rules, ten (10) hours of Documentation, and five (5) hours of Drug Abuse.

### Monitoring

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

9. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY'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. SANTIAGO-DUBSKY** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SANTIAGO-DUBSKY's** history.
10. Within thirty (30) days prior to **MS. SANTIAGO-DUBSKY** initiating drug screening, **MS. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY**.
11. After initiating drug screening, **MS. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
13. **Prior to requesting reinstatement by the Board, MS. SANTIAGO-DUBSKY** shall, at her own expense, obtain a comprehensive physical examination by a Board approved physician for the purposes of evaluating **MS. SANTIAGO-DUBSKY'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. SANTIAGO-DUBSKY's** comprehensive physical examination and with a comprehensive assessment regarding **MS. SANTIAGO-DUBSKY's**

fitness for duty and safety to practice nursing as a licensed practical nurse. Prior to the examination, **MS. SANTIAGO-DUBSKY** shall provide the Board approved physician with a copy of this Order and the Notice of Opportunity for Hearing. Further, **MS. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY's** license to practice, and stating whether **MS. SANTIAGO-DUBSKY** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

14. The Board may utilize the Board approved physician's recommendations and conclusions from the comprehensive physician examination and assessment as a basis for additional terms, conditions, and limitations on **MS. SANTIAGO-DUBSKY's** license.

#### **Reporting Requirements of MS. SANTIAGO-DUBSKY**

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

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

1. **MS. SANTIAGO-DUBSKY** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY's** history. **MS. SANTIAGO-DUBSKY** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. SANTIAGO-DUBSKY** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SANTIAGO-DUBSKY's** history.
6. **MS. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY** shall **notify the Board, in writing.**
11. **MS. SANTIAGO-DUBSKY** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. SANTIAGO-DUBSKY** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MS. SANTIAGO-DUBSKY** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. SANTIAGO-DUBSKY**

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

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

#### **Temporary Practice Restrictions**

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

**MS. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY's** suspension shall be lifted and **MS. SANTIAGO-DUBSKY's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. SANTIAGO-DUBSKY** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. SANTIAGO-DUBSKY** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. SANTIAGO-DUBSKY** 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. SANTIAGO-DUBSKY** has complied with all aspects of this Order; and (2) the Board determines that **MS. SANTIAGO-DUBSKY** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. SANTIAGO-DUBSKY** and review of the reports as required herein. Any period during which **MS. SANTIAGO-DUBSKY** 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 16<sup>th</sup> day of November, 2012.

Motion adopted by majority vote of the Board members with Janet Arwood, Judith Church, Bertha Lovelace and Tracy Ruegg abstaining.

Sears, Dawn M., P.N. 134777 (CASE #09-5723)

**Action:** It was moved by Melissa Meyer, seconded by Susan Morano, that the Board accept all of the Findings of Fact and Conclusions of the Board Hearing Committee, and the Recommendation in the Board Hearing Committee's Report and Recommendation, and ordered that **DAWN M. SEARS's** license to practice nursing as a licensed practical nurse in the State of Ohio be suspended for an indefinite period of time but not less than six (6) months with the conditions for reinstatement set forth below, and following reinstatement, **MS. SEARS's** license to practice nursing as a licensed practical nurse shall be subject to the probationary terms, conditions, and limitations set forth below for a minimum period of one (1) year, with the **Temporary Practice Restrictions** set forth below.

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

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

2. **MS. SEARS** 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. SEARS** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. SEARS**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. SEARS'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. SEARS** shall pay the fine of two hundred and fifty dollars (\$250.00), 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. SEARS** 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. SEARS's** history. **MS. SEARS** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. SEARS** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **Prior to requesting reinstatement by the Board, MS. SEARS** 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. SEARS** shall provide the chemical dependency professional with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing. Further, **MS. SEARS** 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. SEARS's** license, and a statement as to whether **MS. SEARS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. SEARS** 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. SEARS's** license.

9. **For a minimum, continuous period of three (3) months immediately prior to requesting reinstatement, MS. SEARS** 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. SEARS'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. SEARS** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SEARS's** history.
10. Within thirty (30) days prior to **MS. SEARS** initiating drug screening, **MS. SEARS** 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. SEARS**.
11. After initiating drug screening, **MS. SEARS** 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. SEARS** 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 three (3) months immediately prior to requesting reinstatement, MS. SEARS** 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. SEARS** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. SEARS**

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

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

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

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

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

11. **MS. SEARS** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment**. **MS. SEARS** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment**. **MS. SEARS** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. SEARS**

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

### **Temporary Practice Restrictions**

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

**MS. SEARS** 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. SEARS's suspension shall be lifted and MS. SEARS's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. SEARS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. SEARS** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. SEARS** 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. SEARS** has complied with all aspects of this Order; and (2) the Board determines that **MS. SEARS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. SEARS** and review of the reports as required herein. Any period during which **MS. SEARS** 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 16<sup>th</sup> day of November, 2012.

Motion adopted by majority vote of the Board members with Janet Arwood, Judith Church, Bertha Lovelace and Tracy Ruegg abstaining.

### **NO REQUEST FOR HEARING**

Schneider, Alicia A., P.N. 136329 (CASE #11-1592)

**Action:** It was moved by J. Jane McFee, seconded by Tracy Ruegg, that upon consideration of the charges stated against **ALICIA ANNE SCHNEIDER** in the July 29, 2011 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. SCHNEIDER** 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. SCHNEIDER'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. SCHNEIDER's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of one (1) year, with **Temporary Practice Restrictions** set forth below.

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

1. **MS. SCHNEIDER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. SCHNEIDER** 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. SCHNEIDER** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. SCHNEIDER**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. SCHNEIDER'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. SCHNEIDER** 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. SCHNEIDER's** history. **MS. SCHNEIDER** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MS. SCHNEIDER** shall abstain completely from the use of alcohol or any products containing alcohol.
6. **Prior to requesting reinstatement by the Board, upon the request of the Board or its designee, MS. SCHNEIDER** 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. SCHNEIDER** shall provide the chemical dependency professional with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing. Further, **MS. SCHNEIDER** 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. SCHNEIDER's** license, and a statement as to whether **MS. SCHNEIDER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MS. SCHNEIDER** 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. SCHNEIDER's** license.
  8. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. SCHNEIDER** 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. SCHNEIDER'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. SCHNEIDER** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. SCHNEIDER's** history.
  9. Within thirty (30) days prior to **MS. SCHNEIDER** initiating drug screening, **MS. SCHNEIDER** 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. SCHNEIDER**.
  10. After initiating drug screening, **MS. SCHNEIDER** 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. SCHNEIDER** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  11. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. SCHNEIDER** 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.**

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

12. **Prior to requesting reinstatement by the Board, upon the request of the Board or its designee, MS. SCHNEIDER** 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. SCHNEIDER** shall provide the psychiatrist with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. SCHNEIDER's** license, and a statement as to whether **MS. SCHNEIDER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
13. **MS. SCHNEIDER** 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. SCHNEIDER's** license.

#### **Reporting Requirements of MS. SCHNEIDER**

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

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

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

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

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

6. **MS. SCHNEIDER** 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. SCHNEIDER** 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. SCHNEIDER** 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. SCHNEIDER** 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. SCHNEIDER** 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. SCHNEIDER** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. SCHNEIDER** 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. SCHNEIDER** shall **notify the Board, in writing.**
11. **MS. SCHNEIDER** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. SCHNEIDER** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MS. SCHNEIDER** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. SCHNEIDER**

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

#### **Temporary Practice Restrictions**

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

**MS. SCHNEIDER** 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. SCHNEIDER's suspension shall be lifted and MS. SCHNEIDER's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. SCHNEIDER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. SCHNEIDER** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. SCHNEIDER** 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. SCHNEIDER** has complied with all aspects of this Order; and (2) the Board determines that **MS. SCHNEIDER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. SCHNEIDER** and review of the reports as required herein. Any period during which **MS. SCHNEIDER** 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 16th day of November, 2012.

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

Reilly, Jennifer L., P.N. 096930 (CASE #11-4407)

**Action:** It was moved by Tracy Ruegg, seconded by Lisa Klenke, that upon consideration of the charges stated against **JENNIFER LYNN REILLY** in the January 20, 2012 Notice of Temporary Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. REILLY** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Temporary Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. REILLY'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. REILLY'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 four (4) years, with **Permanent Narcotic and Permanent Practice Restrictions** set forth below.

## **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. REILLY** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. REILLY** 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. REILLY** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. REILLY**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. REILLY'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. REILLY** 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. REILLY's** history. **MS. REILLY** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MS. REILLY** shall abstain completely from the use of alcohol or any products containing alcohol.
6. **Prior to requesting reinstatement by the Board, MS. REILLY** 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. REILLY** shall provide the chemical dependency professional with a copy of this Order and Notice of Temporary Suspension and Opportunity for Hearing. Further, **MS. REILLY** 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. REILLY's** license, and a statement as to whether **MS. REILLY** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MS. REILLY** 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. REILLY's** license.
8. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. REILLY** 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. REILLY'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. REILLY** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. REILLY's** history.
  9. Within thirty (30) days prior to **MS. REILLY** initiating drug screening, **MS. REILLY** 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. REILLY**.
  10. After initiating drug screening, **MS. REILLY** 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. REILLY** 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. REILLY** 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. REILLY** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. REILLY**

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

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

**Following reinstatement, MS. REILLY shall be subject to the following probationary terms, conditions, and limitations for a minimum period of four (4) years.**

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

#### **Monitoring**

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

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

#### **Treating Practitioners and Reporting**

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

#### **Employment Conditions**

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

employer **prior to accepting nursing employment.** **MS. REILLY** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MS. REILLY** 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 Temporary Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. REILLY**

31. **MS. REILLY** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
32. **MS. REILLY** 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.
33. **MS. REILLY** 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.
34. **MS. REILLY** 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.
35. **MS. REILLY** 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.
36. **MS. REILLY** shall verify that the reports and documentation required by this Order are received in the Board office.
37. **MS. REILLY** 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.
38. Prior to working as a nurse, **MS. REILLY** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

### **Permanent Narcotic Restriction**

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

narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MS. REILLY** shall not call in or order prescriptions or prescription refills.

### **Permanent Practice Restrictions**

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

**MS. REILLY** 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. REILLY's suspension shall be lifted and MS. REILLY's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. REILLY** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. REILLY** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. REILLY** 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. REILLY** has complied with all aspects of this Order; and (2) the Board determines that **MS. REILLY** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. REILLY** and review of the reports as required herein. Any period during which **MS. REILLY** 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 16th day of November, 2012.

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

Coble, Sarah R., R.N. 290703 (CASE #12-1080)

**Action:** It was moved by Lisa Klenke, seconded by J. Jane McFee, that upon consideration of the charges stated against **SARAH ROSE COBLE** in July 27, 2012 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. COBLE** 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. COBLE'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **SARAH ROSE COBLE** to surrender her frameable wall certificate for her registered nurse license, R.N. #290703, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 16th day of November, 2012.

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

Barakony, Loleta A., P.N. 033997 (CASE #12-0446)

**Action:** It was moved by Janet Arwood, seconded by Tracy Ruegg, that upon consideration of the charges stated against **LOLETA A. BARAKONY** in the May 18, 2012 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. BARAKONY** 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. BARAKONY'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. BARAKONY'S** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years, with **Temporary Practice Restrictions** set forth below.

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

1. **MS. BARAKONY** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. BARAKONY** 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. BARAKONY** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. BARAKONY**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. BARAKONY'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. **Prior to requesting reinstatement by the Board, MS. BARAKONY** 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. BARAKONY** shall have the educator provide the Board with a written report of an assessment of **MS. BARAKONY**, which identifies **MS. BARAKONY's** knowledge/practice deficiencies and remedial educational needs. Prior to the assessment, **MS. BARAKONY** 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. BARAKONY** 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. BARAKONY's** employer(s), former employers, and Board staff. Following the assessment, **MS. BARAKONY** shall have the educator provide the Board with a copy of a learning plan developed by the educator for **MS. BARAKONY** and shall obtain approval of the learning plan by the Board or its designee. The learning plan shall identify specific remediation that **MS. BARAKONY** 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. BARAKONY** shall complete such learning plan. **Prior to requesting reinstatement by the Board, MS. BARAKONY** 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. BARAKONY** has successfully completed the learning plan and prior to requesting reinstatement by the Board, the educator shall provide the Board with an assessment and any recommendations for additional remedial education and/or restrictions that should be placed on **MS. BARAKONY's** license to practice. Furthermore, the educator shall provide to the Board a written opinion stating whether **MS. BARAKONY** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care. **MS. BARAKONY** shall be responsible for all costs associated with meeting this requirement.
5. The Board may utilize the educator's recommendations and conclusions from the assessment as a basis for additional terms, conditions, and limitations on **MS. BARAKONY's** license.
6. In the event that the educator's recommendations require **MS. BARAKONY** to have an active nursing license, the Board, prior to reinstatement of her license, may issue **MS. BARAKONY** 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. BARAKONY'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. BARAKONY's** license shall be terminated. **MS. BARAKONY** 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. BARAKONY**

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

based upon an interview with **MS. BARAKONY** and review of the documentation specified in this Order.

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

1. **MS. BARAKONY** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. BARAKONY** 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. BARAKONY shall notify the Board, in writing.**
4. **MS. BARAKONY** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. BARAKONY** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MS. BARAKONY** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. BARAKONY**

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

#### **Temporary Practice Restrictions**

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

**MS. BARAKONY** 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. BARAKONY's** suspension shall be lifted and **MS. BARAKONY's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. BARAKONY** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. BARAKONY** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. BARAKONY** 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. BARAKONY** has complied with all aspects of this Order; and (2) the Board determines that **MS. BARAKONY** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. BARAKONY** and review of the reports as required herein. Any period during which **MS. BARAKONY** 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 16th day of November 2012.

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

Jeter, Melawn T., P.N. 144246 (CASE #12-1250)

**Action:** It was moved by Roberta Stokes, seconded by Maryam Lyon, that upon consideration of the charges stated against **MELAWN T. JETER** in the May 18, 2012 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. JETER** 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. JETER'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. JETER's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of one (1) year, with **Temporary Practice Restrictions** set forth below.

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

1. **MS. JETER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. JETER** 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. JETER** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. JETER**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. JETER'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. JETER** shall provide a copy of this Order and the Notice of Automatic Suspension and Opportunity for Hearing to the State Board of Vocational Nursing for California (California Board). **Prior to requesting reinstatement by the Board, MS. JETER** shall cause the California Board to submit satisfactory documentation to this Board indicating that it is in receipt of this Order and the Notice of Automatic Suspension and Opportunity for Hearing, and the date the California Board received this Order and Notice of Automatic Suspension and Opportunity for Hearing
5. **Prior to requesting reinstatement by the Board, MS. JETER** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: two (2) hours of Ohio Nursing Law and Rules and eight (8) hours of Ethics/Professionalism.

#### **Reporting Requirements of MS. JETER**

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

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

1. **MS. JETER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. JETER** 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. JETER shall notify the Board, in writing.**
4. **MS. JETER** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. JETER** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MS. JETER** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. JETER**

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

#### **Temporary Practice Restrictions**

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

**MS. JETER** 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. JETER's suspension shall be lifted and MS. JETER's license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that MS. JETER has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify MS. JETER via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, MS. JETER 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. JETER** has complied with all aspects of this Order; and (2) the Board determines that **MS. JETER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. JETER** and review of the reports as required herein. Any period during which **MS. JETER** 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 16th day of November, 2012.

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

Jones, Amy N., P.N. 122265 (CASE #12-0447)

**Action:** It was moved by Maryam Lyon, seconded by Susan Morano, that upon consideration of the charges stated against **AMY NICOLE JONES** in the May 18, 2012 Notice of Automatic Suspension and 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 Notice of Automatic Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. JONES'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. JONES's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of eighteen (18) months, with **Temporary Practice Restrictions** set forth below.

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

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

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

### **Monitoring**

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

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

### **DURATION**

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

**Following reinstatement, MS. JONES shall be subject to the following probationary terms, conditions, and limitations for a minimum period of eighteen (18) months.**

1. **MS. JONES** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. JONES** 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. JONES** shall **notify the Board, in writing.**
4. **MS. JONES** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. JONES** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MS. JONES** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. JONES**

5. **MS. JONES** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
6. **MS. JONES** 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. JONES** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
8. **MS. JONES** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
9. **MS. JONES** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

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

### **Temporary Practice Restrictions**

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

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

### **FAILURE TO COMPLY**

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

### **DURATION**

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

in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 16th day of November, 2012.

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

Keesling, Daniel, R.N. 351353 (CASE #12-1142)

**Action:** It was moved by Susan Morano, seconded by J. Jane McFee, that upon consideration of the charges stated against **DANIEL ALLEN KEESLING** in the May 18, 2012 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. KEESLING** 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. KEESLING's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time, but not less than two (2) years, with the conditions for reinstatement set forth below, and that following reinstatement, **MR. KEESLING'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 **Temporary Narcotic and Temporary Practice Restrictions** set forth below.

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

1. **MR. KEESLING** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. KEESLING** 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. KEESLING** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MR. KEESLING**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MR. KEESLING'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. KEESLING** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective

date of this Order: five (5) hours of Professionalism, ten (10) hours of Chemical Dependency, and one (1) hour of Ohio Nursing Law and Rules.

### **Monitoring**

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

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

#### **Reporting Requirements of MR. KEESLING**

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

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

1. **MR. KEESLING** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. KEESLING** 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. KEESLING** 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. KEESLING's** history. **MR. KEESLING** shall self-administer prescribed drugs only in the manner prescribed.
4. **MR. KEESLING** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MR. KEESLING** 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. KEESLING** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. KEESLING's** history.
6. **MR. KEESLING** 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. KEESLING** 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. KEESLING** 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. KEESLING** 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. KEESLING** 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. KEESLING** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MR. KEESLING** 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 and with every employer, **MR. KEESLING** shall **notify the Board, in writing.**
11. **MR. KEESLING** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MR. KEESLING** shall have his employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MR. KEESLING** shall have his employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MR. KEESLING**

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

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

#### **Temporary Narcotic Restriction**

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

#### **Temporary Practice Restrictions**

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

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

Board monitoring, based upon an interview with **MR. KEESLING** and review of the reports as required herein. Any period during which **MR. KEESLING** 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 16th day of November, 2012.

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

Lucas, Abigail C., P.N. 147386 (CASE #12-1223)

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that upon consideration of the charges stated against **ABIGAIL C. LUCAS** in the May 18, 2012 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. LUCAS** 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. LUCAS'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. LUCAS's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of one (1) year, with **Temporary Practice Restrictions** set forth below.

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

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

### **Reporting Requirements of MS. LUCAS**

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

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

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

2. **MS. LUCAS** 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. LUCAS** shall **notify the Board, in writing**.
4. **MS. LUCAS** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment**. **MS. LUCAS** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment**. **MS. LUCAS** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. LUCAS**

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

### **Temporary Practice Restrictions**

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

**MS. LUCAS** 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. LUCAS's suspension shall be lifted and MS. LUCAS's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. LUCAS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. LUCAS** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. LUCAS** 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. LUCAS** has complied with all aspects of this Order; and (2) the Board determines that **MS. LUCAS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. LUCAS** and review of the reports as required herein. Any period during which **MS. LUCAS** 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 16th day of November, 2012.

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

Pelter, Kelly M., R.N. 263906 (CASE #12-1530)

**Action:** It was moved by J. Jane McFee, seconded by Tracy Ruegg, that upon consideration of the charges stated against **KELLY MICHELLE PELTER** in May 18, 2012 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. PELTER** 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. PELTER'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **KELLY MICHELLE PELTER** to surrender her frameable wall certificate for her registered nurse license, R.N. #263906, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 16th day of November, 2012.

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

Phipps, Dana E., R.N. 223790 (CASE #11-1478)

**Action:** It was moved by Tracy Ruegg, seconded by Lisa Klenke, that upon consideration of the charges stated against **DANA E. PHIPPS** in the May 18, 2012 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. PHIPPS** 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. PHIPPS'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. PHIPPS's** license to practice nursing as a registered nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years and the **Permanent Practice Restrictions** set forth below.

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

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

BCII to submit **MS. PHIPPS'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. PHIPPS** 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. PHIPPS's** history. **MS. PHIPPS** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MS. PHIPPS** shall abstain completely from the use of alcohol or any products containing alcohol.
6. **Prior to requesting reinstatement by the Board, MS. PHIPPS** 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. PHIPPS** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MS. PHIPPS** 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. PHIPPS's** license, and a statement as to whether **MS. PHIPPS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MS. PHIPPS** 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. PHIPPS's** license.
8. **For a minimum, continuous period of two (2) years immediately prior to requesting reinstatement, MS. PHIPPS** 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. PHIPPS'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. PHIPPS** shall be

- negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. PHIPPS's** history.
9. Within thirty (30) days prior to **MS. PHIPPS** initiating drug screening, **MS. PHIPPS** 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. PHIPPS**.
  10. After initiating drug screening, **MS. PHIPPS** 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. PHIPPS** 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 two (2) years immediately prior to requesting reinstatement, MS. PHIPPS** 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. PHIPPS** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MS. PHIPPS**

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

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

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

dispensed to her by another so authorized by law who has full knowledge of **MS. PHIPPS's** history.

6. **MS. PHIPPS** 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. PHIPPS** 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. PHIPPS** 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. PHIPPS** 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. PHIPPS** 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. PHIPPS** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. PHIPPS** 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. PHIPPS** shall **notify the Board, in writing.**
11. **MS. PHIPPS** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. PHIPPS** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MS. PHIPPS** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. PHIPPS**

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

#### **Permanent Practice Restrictions**

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

**MS. PHIPPS** 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. PHIPPS's** suspension shall be lifted and **MS. PHIPPS's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. PHIPPS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. PHIPPS** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. PHIPPS** 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. PHIPPS** has complied with all aspects of this Order; and (2) the Board determines that **MS. PHIPPS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. PHIPPS** and review of the reports as required herein. Any period during which **MS. PHIPPS** 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 16th day of November, 2012.

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

Snowberger, Ashley C., P.N. 146311 (CASE #12-1228)

**Action:** It was moved by Lisa Klenke, seconded by Tracy Ruegg, that upon consideration of the charges stated against **ASHLEY C. SNOWBERGER** in the May 18, 2012 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. SNOWBERGER** 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. SNOWBERGER'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. SNOWBERGER's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years, with **Temporary Practice Restrictions** set forth below.

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

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

2. **MS. SNOWBERGER** 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. SNOWBERGER** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. SNOWBERGER**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. SNOWBERGER'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. SNOWBERGER** 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. SNOWBERGER's** history. **MS. SNOWBERGER** shall self-administer the prescribed drugs only in the manner prescribed.
5. **MS. SNOWBERGER** shall abstain completely from the use of alcohol or any products containing alcohol.
6. **Prior to requesting reinstatement by the Board, MS. SNOWBERGER** 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. SNOWBERGER** shall provide the chemical dependency professional with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing. Further, **MS. SNOWBERGER** 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. SNOWBERGER's** license, and a statement as to whether **MS. SNOWBERGER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MS. SNOWBERGER** 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. SNOWBERGER's** license.

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

#### **Reporting Requirements of MS. SNOWBERGER**

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

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

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

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

11. **MS. SNOWBERGER** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. SNOWBERGER** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MS. SNOWBERGER** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

#### **Reporting Requirements of MS. SNOWBERGER**

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

#### **Temporary Practice Restrictions**

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

**MS. SNOWBERGER** 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. SNOWBERGER's suspension shall be lifted and MS. SNOWBERGER's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. SNOWBERGER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. SNOWBERGER** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. SNOWBERGER** 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. SNOWBERGER** has complied with all aspects of this Order; and (2) the Board determines that **MS. SNOWBERGER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. SNOWBERGER** and review of the reports as required herein. Any period during which **MS. SNOWBERGER** 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 16th day of November, 2012.

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

Bush, Lea D., R.N. 354912 (CASE #12-0938)

**Action:** It was moved by Janet Arwood, seconded by Susan Morano, that upon consideration of the charges stated against **LEA DAWN BUSH** in the July 27,

2012 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. BUSH** 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. BUSH's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time but not less than three (3) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. BUSH'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 **Temporary Narcotic and Temporary Practice Restrictions** set forth below.

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

1. **MS. BUSH** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. BUSH** 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. BUSH** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. BUSH**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. BUSH'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. BUSH** shall pay a fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
5. **Prior to requesting reinstatement by the Board, MS. BUSH** shall submit documentation of her full compliance with the terms and conditions imposed by the Licking County Court of Common Pleas in Case Number 11 CR 034.

#### **Monitoring**

6. **MS. BUSH** 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. BUSH's**

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

#### **Reporting Requirements of MS. BUSH**

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

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

1. **MS. BUSH** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. BUSH** 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. BUSH** 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. BUSH's** history. **MS. BUSH** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. BUSH** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. BUSH** 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. BUSH** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. BUSH's** history.
6. **MS. BUSH** 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. BUSH** 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. BUSH** 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. BUSH** 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. BUSH** 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. BUSH** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. BUSH** 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. BUSH** shall **notify the Board, in writing.**
11. **MS. BUSH** is under a continuing duty to provide a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. BUSH** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MS. BUSH** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing, including the date they were received.

#### **Reporting Requirements of MS. BUSH**

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

#### **Temporary Narcotic Restriction**

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

#### **Temporary Practice Restrictions**

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

**MS. BUSH** 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. BUSH's suspension shall be lifted and MS. BUSH's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. BUSH** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. BUSH** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. BUSH** 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. BUSH** has complied with all aspects of this Order; and (2) the Board determines that **MS. BUSH** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. BUSH** and review of the reports as required herein. Any period during which **MS. BUSH** 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 16th day of November, 2012.

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

Obajinmi, Mukaila A., P.N. endorse (CASE #11-2816)

**Action:** It was moved by Roberta Stokes, seconded by Maryam Lyon, that upon consideration of the charges stated against **MUKAILA AYODELE OBAJINMI** in the May 18, 2012 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. OBAJINMI** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MR. OBAJINMI's** application for licensure by endorsement to practice nursing as a licensed practical nurse is hereby **DENIED**.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 16th day of November, 2012.

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

Wharton, Sara E., P.N. 132158 (CASE #11-3894)

**Action:** It was moved by Maryam Lyon, seconded by Susan Morano, that upon consideration of the charges stated against **SARA ELIZABETH WHARTON** in the January 20, 2012 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. WHARTON** 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. WHARTON'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. WHARTON's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years, with **Temporary Narcotic** and **Temporary Practice Restrictions** set forth below.

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

1. **MS. WHARTON** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. WHARTON** 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. WHARTON** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. WHARTON**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. WHARTON'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. WHARTON** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: two (2) hours of Ohio Nursing Law and Rules and five (5) hours of Ethics.

#### **Monitoring**

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

### **Reporting Requirements of MS. WHARTON**

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

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

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

### **Monitoring**

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

### **Treating Practitioners and Reporting**

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

### **Employment Conditions**

48. Prior to accepting employment as a nurse, each time with every employer, **MS. WHARTON** shall **notify the Board, in writing.**
49. **MS. WHARTON** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. WHARTON** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MS. WHARTON** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. WHARTON**

50. **MS. WHARTON** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
51. **MS. WHARTON** 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.
52. **MS. WHARTON** 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.
53. **MS. WHARTON** 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.

54. **MS. WHARTON** 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.
55. **MS. WHARTON** shall verify that the reports and documentation required by this Order are received in the Board office.
56. **MS. WHARTON** 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.
57. Prior to working as a nurse, **MS. WHARTON** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

#### **Temporary Narcotic Restriction**

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

#### **Temporary Practice Restrictions**

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

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

violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. WHARTON** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. WHARTON** 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. WHARTON** has complied with all aspects of this Order; and (2) the Board determines that **MS. WHARTON** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. WHARTON** and review of the reports as required herein. Any period during which **MS. WHARTON** 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 16th day of November, 2012.

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

Habick, Lori A., R.N. 229269 (CASE #11-4358)

**Action:** It was moved by Susan Morano, seconded by J. Jane McFee, that upon consideration of the charges stated against **LORI ANN HABICK** in May 18, 2012 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. HABICK** 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. HABICK'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **LORI ANN HABICK** to surrender her frameable wall certificate for her registered nurse license, R.N. #229269, immediately.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 16th day of November, 2012.

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

Kuznik, Teresa, R.N. 176634 (CASE #12-0410)

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that upon consideration of the charges stated against **TERESA KUZNIK** in the May 18, 2012 Notice of Temporary Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. KUZNIK** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Temporary Suspension and

Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. KUZNIK'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. KUZNIK's** license to practice nursing as a registered nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years and the **Temporary Narcotic** and **Temporary Practice Restrictions** set forth below.

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

1. **MS. KUZNIK** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. KUZNIK** 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. KUZNIK** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. KUZNIK**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. KUZNIK'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. KUZNIK** shall pay a fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

#### **Monitoring**

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

#### **Reporting Requirements of MS. KUZNIK**

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

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

1. **MS. KUZNIK** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. KUZNIK** 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. KUZNIK** 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. KUZNIK's** history. **MS. KUZNIK** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. KUZNIK** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. KUZNIK** 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. KUZNIK** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. KUZNIK's** history.
6. **MS. KUZNIK** 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. KUZNIK** 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. KUZNIK** 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. KUZNIK** 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. KUZNIK** 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. KUZNIK** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. KUZNIK** 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. KUZNIK** shall **notify the Board, in writing**.
11. **MS. KUZNIK** is under a continuing duty to provide a copy of this Order and Notice of Temporary Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment**. **MS. KUZNIK** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment**. **MS. KUZNIK** 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 Temporary Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. KUZNIK**

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

#### **Temporary Narcotic Restriction**

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

#### **Temporary Practice Restrictions**

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

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

nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. KUZNIK** 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. KUZNIK** has complied with all aspects of this Order; and (2) the Board determines that **MS. KUZNIK** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. KUZNIK** and review of the reports as required herein. Any period during which **MS. KUZNIK** 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 16th day of November, 2012.

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

Birkhimer, Joyce A., R.N. 175120 (CASE #11-3482)

**Action:** It was moved by Susan Morano, seconded by Maryam Lyon, that upon consideration of the charges stated against **JOYCE A. BIRKHIMER** in the May 18, 2012 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. BIRKHIMER** 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. BIRKHIMER's** application for renewal of her license to practice as a registered nurse is granted, and that her license to practice 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 not less than one (1) year and the **Permanent Practice Restrictions** set forth below.

**MS. BIRKHIMER's license to practice nursing as a registered nurse shall be subject to the following probationary terms, conditions, and limitations:**

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

**BIRKHIMER's** completed criminal records check, including the FBI check, **must be received by the Board within six (6) months of effective date of this Order.**

25. **Within six (6) months of the effective date of this Order, MS. BIRKHIMER** shall pay a fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance, Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
26. **Within six (6) months of the effective date of this Order, MS. BIRKHIMER** 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 Boundaries and five (5) hours of Ethics.

#### **Employment Conditions**

27. **MS. BIRKHIMER** shall notify the Board, in writing, of the name and address of any current employer **within thirty (30) days following the effective date of this Order**, or any new employer prior to accepting employment.
28. **MS. BIRKHIMER, within fifteen (15) days of the effective date of this Order**, if working in a position in which a nursing license is required, shall provide her employer(s) with a copy of this Order and the Notice of Opportunity for Hearing. Further, **MS. BIRKHIMER** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer **prior to accepting nursing employment. MS. BIRKHIMER** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance **on a quarterly basis beginning within thirty (30) days of the effective date of this Order or beginning within thirty (30) days of working in a nursing position. MS. BIRKHIMER** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

#### **Reporting Requirements of MS. BIRKHIMER**

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

30. **MS. BIRKHIMER** 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.
31. **MS. BIRKHIMER** 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.
32. **MS. BIRKHIMER** 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.
33. **MS. BIRKHIMER** 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.
34. **MS. BIRKHIMER** shall verify that the reports and documentation required by this Order are received in the Board office.
35. **MS. BIRKHIMER** 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.

#### **Permanent Practice Restrictions**

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

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

automatic suspension, the Board shall notify **MS. BIRKHIMER** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. BIRKHIMER** 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. BIRKHIMER** has complied with all aspects of this Order; and (2) the Board determines that **MS. BIRKHIMER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. BIRKHIMER** and review of the reports as required herein. Any period during which **MS. BIRKHIMER** 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 16th day of November, 2012.

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

Davis, Jennifer B., R.N. 328478 (CASE #09-5409)

**Action:** It was moved J. Jane McFee, seconded by Maryam Lyon, that upon consideration of the charges stated against **JENNIFER BROOKE DAVIS** in the July 29, 2011 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. DAVIS** 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. DAVIS'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. DAVIS'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. DAVIS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. DAVIS** 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. DAVIS** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. DAVIS**, including a check of Federal Bureau of Investigation (FBI) records, and

shall cause BCII to submit **MS. DAVIS'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. DAVIS** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: two (2) hours of Ohio Nursing Law and Rules and ten (10) hours of Nurses and Drug Abuse.

### **Monitoring**

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

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

#### **Reporting Requirements of MS. DAVIS**

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

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

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

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

### **Employment Conditions**

10. **MS. DAVIS** shall obtain prior written approval from the Board or its designee for any nursing employment.
11. **MS. DAVIS** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer **prior to accepting nursing employment**. **MS. DAVIS** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment**. **MS. DAVIS** shall have her employer(s) send documentation to the Board, along with the first

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

### **Reporting Requirements of MS. DAVIS**

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

### **Permanent Practice Restrictions**

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

**MS. DAVIS** 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. DAVIS's suspension shall be lifted and MS. DAVIS's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. DAVIS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. DAVIS** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. DAVIS** 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. DAVIS** has complied with all aspects of this Order; and (2) the Board determines that **MS. DAVIS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. DAVIS** and review of the reports as required herein. Any period during which **MS. DAVIS** 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 16th day of November, 2012.

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

Jones, Matthew A., R.N. 337820 (CASE #11-3746)

**Action:** It was moved by Tracy Ruegg, seconded by J. Jane McFee, that upon consideration of the charges stated against **MATTHEW A. JONES** in the November 18, 2011 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. JONES** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Automatic Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MR. JONES's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time, but not less than three (3) years, with the conditions for reinstatement set forth below, and that following reinstatement, **MR. JONES'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. **MR. JONES** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. JONES** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MR. JONES** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MR. JONES**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MR. JONES's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.

## **Monitoring**

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

Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MR. JONES's** license.

8. **For a minimum, continuous period of three (3) years immediately prior to requesting reinstatement, MR. JONES** shall submit, at his expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after **MR. JONES's** initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day he is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MR. JONES** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. JONES's** history.
9. Within thirty (30) days prior to **MR. JONES** initiating drug screening, **MR. JONES** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MR. JONES**.
10. After initiating drug screening, **MR. JONES** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, **MR. JONES** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
11. **For a minimum, continuous period of three (3) years immediately prior to requesting reinstatement, MR. JONES** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MR. JONES** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MR. JONES**

12. **MR. JONES** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.

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

### **DURATION**

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

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

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

### **Monitoring**

3. **MR. JONES** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. JONES's**

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

#### **Treating Practitioners and Reporting**

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

#### **Employment Conditions**

10. Prior to accepting employment as a nurse, each time and with every employer, **MR. JONES** shall **notify the Board, in writing.**

11. **MR. JONES** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MR. JONES** shall have his employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MR. JONES** shall have his employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MR. JONES**

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

### **Permanent Practice Restrictions**

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

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

### **FAILURE TO COMPLY**

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

### **DURATION**

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

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 16th day of November, 2012.

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

Luckett, Debra A., R.N. 332213 (CASE #12-0757)

**Action:** It was moved by Lisa Klenke, seconded by Tracy Ruegg, that upon consideration of the charges stated against **DEBRA ANN LUCKETT** in the May 18, 2012 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. LUCKETT** 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. LUCKETT'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. LUCKETT'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 **Temporary Practice Restrictions** set forth below.

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

1. **MS. LUCKETT** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. LUCKETT** 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. LUCKETT** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. LUCKETT**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. LUCKETT'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. LUCKETT** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: fifteen (15) hours of Chemical Dependency and five (5) hours of Professionalism.

#### **Monitoring**

5. **MS. LUCKETT** 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. LUCKETT's** history. **MS. LUCKETT** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. LUCKETT** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **Prior to requesting reinstatement by the Board, MS. LUCKETT** 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. LUCKETT** shall provide the chemical dependency professional with a

- copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing. Further, **MS. LUCKETT** 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. LUCKETT's** license, and a statement as to whether **MS. LUCKETT** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. LUCKETT** 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. LUCKETT's** license.
  9. **For a minimum, continuous period of one (1) year immediately prior to requesting reinstatement, MS. LUCKETT** 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. LUCKETT'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. LUCKETT** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. LUCKETT's** history.
  10. Within thirty (30) days prior to **MS. LUCKETT** initiating drug screening, **MS. LUCKETT** 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. LUCKETT**.
  11. After initiating drug screening, **MS. LUCKETT** 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. LUCKETT** 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. LUCKETT** 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. LUCKETT** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
13. **Prior to requesting reinstatement by the Board, MS. LUCKETT** shall, at her own expense, obtain a comprehensive physical examination by a Board approved physician for the purposes of evaluating **MS. LUCKETT's** fitness for duty and safety to practice nursing as a registered nurse. This Board approved physician shall provide the Board with complete documentation of **MS. LUCKETT's** comprehensive physical examination and with a comprehensive assessment regarding **MS. LUCKETT's** fitness for duty and safety to practice nursing as a registered nurse. Prior to the examination, **MS. LUCKETT** shall provide the Board approved physician with a copy of this Order and the Notice of Opportunity for Hearing. Further, **MS. LUCKETT** 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. LUCKETT's** license to practice, and stating whether **MS. LUCKETT** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
14. The Board may utilize the Board approved physician's recommendations and conclusions from the comprehensive physician examination and assessment as a basis for additional terms, conditions, and limitations on **MS. LUCKETT's** license.

#### **Reporting Requirements of MS. LUCKETT**

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

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

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

6. **MS. LUCKETT** 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. LUCKETT** 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. LUCKETT** 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. LUCKETT** 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. LUCKETT** 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. LUCKETT** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. LUCKETT** 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. LUCKETT** shall **notify the Board, in writing.**
11. **MS. LUCKETT** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. LUCKETT** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MS. LUCKETT** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt

of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. LUCKETT**

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

### **Temporary Practice Restrictions**

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

**MS. LUCKETT** 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. LUCKETT's** suspension shall be lifted and **MS. LUCKETT's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. LUCKETT** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. LUCKETT** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. LUCKETT** 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. LUCKETT** has complied with all aspects of this Order; and (2) the Board determines that **MS. LUCKETT** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. LUCKETT** and review of the reports as required herein. Any period during which **MS. LUCKETT** 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 16th day of November, 2012.

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

Meenach, Helen D., P.N. 133381 (CASE #11-0945)

**Action:** It was moved by Janet Arwood, seconded by J. Jane McFee, that upon consideration of the charges stated against **HELEN DOREAL MEENACH** in the May 18, 2012 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. MEENACH** 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. MEENACH'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. MEENACH's** license to practice nursing as a licensed practical nurse shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum

period of two (2) years, with **Temporary Narcotic** and **Temporary Practice Restrictions** set forth below.

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

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

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

#### **Reporting Requirements of MS. MEENACH**

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

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

1. **MS. MEENACH** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. MEENACH** 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. MEENACH** 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. MEENACH's** history. **MS. MEENACH** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. MEENACH** shall abstain completely from the use of alcohol or any products containing alcohol.
5. During the probationary period, **MS. MEENACH** 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. MEENACH** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. MEENACH's** history.
6. **MS. MEENACH** 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. MEENACH** 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. MEENACH** 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. MEENACH** 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. MEENACH** 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. MEENACH** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. MEENACH** 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. MEENACH** shall **notify the Board, in writing.**
11. **MS. MEENACH** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer **prior to accepting nursing employment.** **MS. MEENACH** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting nursing employment.** **MS. MEENACH** shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received.

### **Reporting Requirements of MS. MEENACH**

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

#### **Temporary Narcotic Restriction**

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

#### **Temporary Practice Restrictions**

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

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

Board monitoring, based upon an interview with **MS. MEENACH** and review of the reports as required herein. Any period during which **MS. MEENACH** 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 16th day of November, 2012.

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

### **DEFAULT ORDERS**

Fultz, Mark R., R.N. endorse (CASE #11-4999)

**Action:** It was moved by J. Jane McFee, seconded by Tracy Ruegg, that the Board find that **MR. FULTZ** 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 deny, 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 **MR. FULTZ** has admitted the truth of the allegations set forth in the May 29, 2012 Examination Order issued to **MR. FULTZ** and that **MR. FULTZ** ability to safely practice nursing is impaired.

The Board ORDERS that **MR. FULTZ's** application for licensure to practice nursing as a registered nurse in the State of Ohio is hereby denied, for an indefinite period of time with conditions for reapplication for initial licensure set forth below:

### **CONDITIONS FOR REAPPLICATION FOR INITIAL LICENSURE**

1. **MR. FULTZ** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. FULTZ** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reapplication.
3. **MR. FULTZ** shall, at his own expense, submit to an evaluation, specifically addressing his ability to maintain professional boundaries in a clinical nursing capacity, by Levine, Risen & Associates (hereinafter "Examiner") located at 23425 Commerce Park, Beachwood, Ohio 44122. Prior to the evaluation, **MR. FULTZ** shall provide the Examiner with a copy of this Order and the May 29, 2012 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. FULTZ's** practice. The Examiner shall provide a written opinion to the Board regarding whether **MR. FULTZ** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
- MR. FULTZ** may submit a new application for licensure to practice nursing as a registered nurse following the Board's receipt of the Examiner's written opinion. As a condition for licensure, **MR. FULTZ** 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 any treatment or education recommended by the Examiner, and/or restrictions specified by the Examiner, as set forth in paragraph 3., above. If the Board and **MR. FULTZ** are unable to agree to terms, conditions, limitations, and restrictions in a Consent Agreement, the terms, conditions, limitations, and restrictions shall be determined after a hearing is held.

#### **Reporting Requirements of MR. FULTZ**

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

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

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 16th day of November, 2012.

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

Harmon, Lisa, P.N. 087770 (CASE #10-2292)

**Action:** It was moved by J. Jane McFee, seconded by Roberta Stokes, that the Board find that **MS. HARMON** has committed acts in violation of the Nurse Practice Act, as set forth in the September 2012 Default Order, and the Board orders that **MS. HARMON's** license to practice nursing as a licensed practical nurse in the State of Ohio is hereby suspended, as of September 21, 2012, with conditions for reinstatement set forth in the September 2012 Default Order.

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 16th day of November, 2012.

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

Bailey, Shelley F., P.N. 080286 (CASE #09-0106)

**Action:** It was moved by Tracy Ruegg, seconded by Lisa Klenke, that upon consideration of the allegations contained in the April 30, 2012 examination order and the findings contained in the September 2012 Default Order, the Board finds that **MS. BAILEY** has committed acts in violation of the Nurse Practice Act, as set forth in the September 2012 Default Order, and the Board orders that **MS. BAILEY's** license to practice nursing as a licensed practical

nurse in the State of Ohio is hereby suspended, as of September 21, 2012, with conditions for reinstatement set forth in the September 2012 Default Order.

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 16th day of November, 2012.

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

Jackson, Charles W., P.N. 115452 (CASE #09-1614)

**Action:** It was moved by Tracy Ruegg, seconded by J. Jane McFee, that the Board find that **MR. JACKSON** 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 **MR. JACKSON** has admitted the truth of the allegations set forth in the September 28, 2011 Examination Order issued to **MR. JACKSON** and that **MR. JACKSON** is impaired. The Board ORDERS that **MR. JACKSON's** license to practice nursing as a licensed practical nurse in the State of Ohio is hereby suspended for an indefinite period of time with conditions for reinstatement set forth below:

#### **CONDITIONS FOR REINSTATEMENT**

1. **MR. JACKSON** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. JACKSON** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reinstatement.
3. **MR. JACKSON** shall, at his own expense, submit to an examination, specifically addressing his capacity to function in a clinical nursing capacity, by Levine Risen Associates, (hereinafter "Examiner"), located at 23425 Commerce Park, Beachwood, Ohio 44122. **MR. JACKSON** shall obey all federal, state, and all local laws, and all laws and rules governing the practice of nursing in Ohio. 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. JACKSON's** practice. The Examiner shall provide an opinion to the Board regarding whether **MR. JACKSON** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
4. **MR. JACKSON** shall enter into a Consent Agreement with the Board for probationary terms, conditions, limitations, and restrictions determined by

the Board for a minimum period of time determined by the Board. The probationary terms, conditions, limitations, and restrictions determined by the Board shall include, but not be limited to, completion or continuation of psychiatric or other mental health treatment recommended and/or restrictions specified by the Examiner, as set forth in paragraph 3., above. If the Board and **MR. JACKSON** are unable to agree to terms, conditions, limitations, and restrictions in a Consent Agreement, the terms, conditions, limitations, and restrictions shall be determined after a hearing is held.

### **Reporting Requirements of Licensee**

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

**JACKSON's** position, arguments, or contentions in writing. At the hearing **MR. JACKSON** may also present evidence and examine witnesses appearing for and against **MR. JACKSON**.

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

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 16th day of November, 2012.

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

Delaney, Mary Kay, P.N. 120306 (CASE #09-4103)

**Action:** It was moved by Tracy Ruegg, seconded by J. Jane McFee, that the Board find that **MS. DELANEY** 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 **MS. DELANEY** has admitted the truth of the allegations set forth in the June 20, 2012 Examination Order issued to **MS. DELANEY** and that **MS. DELANEY's** ability to safely practice nursing is impaired. The Board ORDERS that **MS. DELANEY'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. DELANEY** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. DELANEY** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reinstatement.
3. **MS. DELANEY** shall, at her own expense, submit to a chemical dependency examination, specifically addressing her capacity to function in a clinical nursing capacity, by Dr. Richard Whitney, (hereinafter "Examiner"), Shepherd Hill Addiction Services, located at 200 Messimer Drive, Newark, Ohio 43055. Prior to the evaluation, **MS. DELANEY** shall provide the Examiner with a copy of this Order and the June 20, 2012 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. DELANEY's** practice. The Examiner shall provide an opinion to the Board regarding whether **MS. DELANEY** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
4. **MS. DELANEY** shall enter into a Consent Agreement with the Board for probationary terms, conditions, limitations, and restrictions determined by the Board for a minimum period of time determined by the Board. The probationary terms, conditions, limitations, and restrictions determined by the Board shall include, but not be limited to, completion or continuation of psychiatric or other mental health treatment recommended and/or restrictions specified by the Examiner, as set forth in paragraph 3., above. If the Board and **MS. DELANEY** are unable to agree to terms, conditions, limitations, and restrictions in a Consent Agreement, the terms, conditions, limitations, and restrictions shall be determined after a hearing is held.

#### **Reporting Requirements of Licensee**

5. **MS. DELANEY** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
6. **MS. DELANEY** 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. DELANEY** 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. DELANEY** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Monitoring Unit of the Board.
9. **MS. DELANEY** 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. DELANEY** shall verify that the reports and documentation required by this Order are received in the Board office.
11. **MS. DELANEY** 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. DELANEY** is hereby informed that **MS. DELANEY** is entitled to a hearing on this matter. If **MS. DELANEY** 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. DELANEY** is hereby further informed that, if **MS. DELANEY** timely requests a hearing, **MS. DELANEY** is entitled to appear at such hearing in person, by **MS. DELANEY's** attorney, or by such other representative as is permitted to practice before the Board, or **MS. DELANEY** may present **MS. DELANEY's** position, arguments, or contentions in writing. At the hearing **MS. DELANEY** may also present evidence and examine witnesses appearing for and against **MS. DELANEY**.

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

This Order shall become effective immediately and is hereby entered upon the Journal of the Board for the 16th day of November, 2012.

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

#### **VOLUNTARY RETIREMENT**

**Action:** It was moved by Maryam Lyon, seconded by J. Jane McFee, that the Board accept the Permanent Voluntary Retirement from the practice of nursing for the following:

Drake, Victoria A., R.N. 333659 (CASE #09-4861) and Wagner, Judy M., P.N. 129570 (CASE #10-0087).

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

#### **MONITORING**

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

**Action:** It was moved by Lisa Klenke, seconded by Janet Arwood, that the following, having met the terms and conditions of their Consent Agreements or Adjudication Orders with the Board, with the recommendation by Judith Church, Supervising Member for Disciplinary Matters, be released from their respective Consent Agreements or Adjudication Orders:

Swafford, Cynthia A., P.N. 141764 (CASE #10-3362); Moore, Michael E., R.N. 261720 (CASE #09-1436); DiCola, Allison M., R.N. 375159 (CASE #11-0632); Butler, Clair E., R.N. 335653 (CASE #09-1043); Risner, Tralisha A., P.N. 123272 (CASE #09-5310); Salaam, Jamilah L., P.N. 138354 (CASE #09-4801); and Keen, Diana M., R.N. 285728 (CASE #10-4577).

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

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

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

Bond, Albert W., R.N. 291541 (CASE #11-1814); Resor, William K., P.N. 108281 (CASE #07-0513); Tilson, Connie S., R.N. 373385, P.N. 111967 (CASE #11-2000); Mann, Tammy S., P.N. 113571 (CASE #10-1264); and Sayer, Mary L., R.N. 289791 (CASE #10-0812).

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 Susan Morano, 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 Agreements or Adjudication Orders with the exception of the permanent practice restriction(s) that will remain in effect:

Stephens, Jennifer L., R.N. 312431 (CASE #09-1752) and Irvin, Kari L., R.N. 349860 (CASE #09-0824).

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

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

**Action:** It was moved by J. Jane McFee, seconded by Tracy Ruegg, that the following, with the recommendation by Judith Church, Supervising Member for Disciplinary Matters, be released from their temporary narcotic restriction(s) within their Consent Agreements or Adjudication Orders:

Burgemeir, Dora N., R.N. 295393 (CASE #10-5479) and Terry, Melissa R., R.N. 311209 (CASE #11-3162).

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 Tracy Ruegg, seconded by Lisa Klenke, that the Board reinstate the following, with the recommendation by Judith Church, Supervising Member for Disciplinary Matters, subject to the probationary terms of the of their Adjudication Orders:

Buttelwerth, Tina M., P.N. 086967 (CASE #08-3816) and Carter, Sabrina C., R.N. 231525 (CASE #09-3606).

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

**LIFT OF UDS REQUIREMENT**

**Action:** It was moved by Janet Arwood, seconded by Lisa Klenke, that the Board release the following, with the recommendation by Judith Church, Supervising Member for Disciplinary Matters, from the urine drug screening requirement within the May 16, 2008 Consent Agreement:

Johnson, Jodi E., R.N. 234782 (CASE #08-0882).

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

**MOTION TO APPROVE**

**Action:** It was moved by J. Jane McFee, seconded by Janet Arwood, that the Board accept the following approvals made by Judith Church, Supervising Member for Disciplinary Matters:

Vest, Victoria D., R.N. 352329 (CASE #11-1267)- Approval to precept new nurses in the Orthopedic Unit at Southern Ohio Medical Center;

St Clair, Porsha R., P.N. 134178 (CASE #08-0274)- Approval to accept employment as an LPN with The Cleveland Clinic Children's Hospital Pediatric Rheumatology Department;

Noel, Christy E., P.N. 143542 (CASE #11-1376)- Approval to seek nursing employment;

Griffin, Sharon L., R.N. 106438 (CASE #10-1993)- Approval to administer, have access to, and possess narcotics, other controlled substances or mood altering

drugs, and to count narcotics and carry narcotic keys in her current nursing position with Mountain Crest Nursing & Rehabilitation Center; and

Fayson-Robbins, Latonya Y., P.N. 137590 (CASE #11-2323)- Approval to practice as a nurse for Abling Hands Home Health Care, Ltd.

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

#### **LIFT OF RESTRICTION ON CERTIFICATE TO PRESCRIBE**

**Action:** It was moved by Maryam Lyon, seconded by Susan Morano, that the Board release Delnay, Nancy, R.N. 244660, NP 07225, RX 07225 (CASE #11-2304) from the temporary restrictions prohibiting prescribing controlled substances.

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

### **REPORTS TO THE BOARD**

#### **Open Forum – Friday, November 16, 2012 at 10:00 a.m.**

There were no speakers for Open Forum.

#### **Advisory Group Reports**

##### **Dialysis**

Maryam Lyon reported that the Advisory Group on Dialysis met on October 30, 2012 and discussed the possibility of discontinuing Board approval for dialysis technician training programs due to the expanded surveys being conducted by Ohio Department of Health (ODH) for federal certification of dialysis centers. The ODH survey includes a review of training programs. M. Lyon, L. Emrich, and Lesleigh Robinson held a conference call with ODH surveyors and after learning more about the ODH survey, concluded that the Board approval process may be a duplicative process. ODH representatives are invited to attend the Advisory Group meeting in February to discuss the ODH certification and survey process with Advisory Group members.

##### **Nursing Education**

J. Church reported that the Advisory Group on Nursing Education met on October 11, 2012 and discussed the NCSBN Model Rules for nursing education. In addition, Doris Edwards and Mary Beth Matthews, representing themselves, addressed the Group to seek support of a legislative mandate for a “BSN in Ten” requirement. Jane Mahowald reported on the work of the Ohio Action Coalition to implement the IOM recommendations for nursing, including reaching the goal of 80% BSN educated nurses in 2020.

### **Committee on Prescriptive Governance**

Tracy Ruegg reported that the Committee on Prescriptive Governance (CPG) met on October 22, 2012 and reviewed formulary categories and new drugs. The Committee plans to review all of the formulary sections on an annual basis. Drug abuse issues and the work of statewide task forces were also discussed.

#### **CPG Appointment**

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that the Board appoint, in accordance with Section 4723.49, ORC, Tracy Ruegg to the Committee on Prescriptive Governance for a period of three years. Motion adopted by unanimous vote of the Board members.

### **Board Committee on Advisory Group Appointments**

#### **Continuing Education**

**Action:** It was moved by Lisa Klenke, seconded by J. Jane McFee, that the Board appoint Terry Pope, Marjorie Vogt, Pamela McCabe, and Pamela Dickerson to the Advisory Group on Continuing Education, for terms beginning January 1, 2013 and ending December 31, 2014. Motion adopted by unanimous vote of the Board.

#### **Dialysis**

**Action:** It was moved by Maryam Lyon, seconded by J. Jane McFee, that the Board appoint Ganesh Shidham, M.D., as recommended by the State Medical Board, and Jeffrey Masenheimer, Felicia Lambert, and Diane Wish as members of the Advisory Group on Dialysis, for terms beginning January 1, 2013 and ending December 31, 2014. Motion adopted by unanimous vote of the Board.

#### **Nursing Education**

**Action:** It was moved by Susan Morano, seconded by J. Jane McFee, that the Board appoint Keri Nunn-Ellison, Jennie Denker, Holly Price, Kathy Keister, and Kathy Brentlinger to the Advisory Group on Nursing Education, for terms beginning January 1, 2013 and ending December 31, 2014. Motion adopted by unanimous vote of the Board.

### **Other Reports**

#### **Summary of Nursing Education Program Annual Reports**

L. Emrich reviewed the Summary of Nursing Education Program Annual Reports and answered questions.

#### **NEALP Report**

L. Emrich reviewed the NEALP report covering the application period that ended July 15, 2012. The total funding for 2012 was \$502,500. The Ohio

Board of Regents (OBR) administers NEALP with the assistance of the Board of Nursing.

### **Recommendations for NEALP Funding**

L. Emrich reviewed information related to NEALP funding. According to occupation employment projections: (1) the annual employment for RNs in 2008 was 118,680; by 2018 the employment projection for RNs is 139,700, a 17.7% increase from 2008; and the total annual openings are estimated to be 4,175; (2) the annual employment for LPNs in 2008 was 41,570; by 2018 the employment projection for LPNs is 48,790, a 17.4% change from 2008; and total annual openings are estimated to be 2,022. Lisa Klenke noted that the occupational report lists PAs, but does not differentiate between RNs and APNs.

Based on this information, the Board agreed by general consensus to recommend that the OBR first award funds to all eligible post-license applicants seeking graduate nursing education in preparation to become nursing faculty, and all remaining funds would be awarded to pre-licensure RN applicants. Further, for pre-licensure RN applicants, the Board recommended two priorities for the funding: applicants seeking a BSN degree in nursing and LPNs seeking a registered nursing education. These recommendations will be provided to OBR.

### **NEGP Report Expenditure Modification Request - James A. Rhodes State College Associate Degree Nursing Program**

The Board agreed by general consensus to approve the request for expenditure modification submitted by James A. Rhodes State College Associate Degree Nursing Program.

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

The Board reviewed the general information items.

### **BOARD GOVERNANCE**

#### **Nomination of Board Officers (Thursday)**

##### **President**

**Action:** Maryam Lyon nominated Judith Church for the office of President. Seconded by Susan Morano.

##### **Vice-President**

**Action:** Roberta Stokes nominated J. Jane McFee for the office of Vice-President. Seconded by Melissa Meyer.

**Action:** Melissa Meyer nominated Janet Arwood for the office of Vice-President. Seconded by Tracy Ruegg.

### **Board Supervising Member for Disciplinary Matters**

**Action:** J. Jane McFee nominated Rhonda Barkheimer for Board Supervising Member for Disciplinary Matters. Seconded by Susan Morano.

### **Election of Board Officers (Friday)**

The Board elected Judith Church as President, J. Jane McFee as Vice-President, and Rhonda Barkheimer as Board Supervising Member for Disciplinary Matters.

J. Church noted that she had been instructed by the Governor's Office to submit her name for the office of President. B. Lovelace stated that if J. Church is not reappointed, the Board would hold a new election in March.

### **Appointment of Nursing Education Program Board Liaison**

**Action:** It was moved by Susan Morano, seconded by Maryam Lyon, that the Board appoint Lisa Klenke as the Board Nursing Education Program Liaison to Board staff for the period of January 1, 2013 through December 31, 2013. Motion adopted by unanimous vote of the Board members.

### **Appointment of Advisory Group Chairs**

#### **Nursing Education**

**Action:** It was moved by Susan Morano, seconded by Maryam Lyon, that the Board appoint Lisa Klenke as Chair of the Advisory Group on Nursing Education for the period of January 1, 2013 through December 31, 2013. Motion adopted by unanimous vote of the Board members.

#### **Dialysis**

**Action:** It was moved by Tracy Ruegg, seconded by J. Jane McFee, that the Board appoint Maryam Lyon as Chair of the Advisory Group on Dialysis for the period of January 1, 2013 through December 31, 2013. Motion adopted by unanimous vote of the Board members.

#### **Continuing Education**

**Action:** It was moved by J. Jane McFee, seconded by Roberta Stokes, that the Board appoint Janet Arwood as Chair of the Advisory Group on Continuing Education for the period of January 1, 2013 through December 31, 2013. Motion adopted by unanimous vote of the Board members.

### **Appointment of Board Hearing Committee**

**Action:** It was moved by J. Jane McFee, seconded by Melissa Meyer, that for the Board Hearing Committee, the Board appoint the President, Vice-President, and Susan Morano to serve April through June and the President, Vice-President, and Janet Arwood to serve August through October, with Tracy Ruegg and Melissa Meyer as alternates, all serving for a term of one year, effective March 1, 2013. Motion adopted by unanimous vote of the Board members.

The Board determined that dates for the Board Hearing Committee hearings in 2013 would be: February 20, April 17, June 19, August 21, and October 16.

**Authorization for the Use of Hearing Examiners**

**Action:** It was moved by Lisa Klenke, seconded by J. Jane McFee, that the Board authorize the use of hearing examiners for hearings during the period of January 1, 2013 through December 31, 2013. Motion adopted by unanimous vote of the Board members.

**Authorization for the Board Supervising Member or President to Issue Notices of Immediate Suspension and Orders of Summary Suspension**

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that the Board authorize the Board Supervising Member For Disciplinary Matters, or the Board President, to issue notices of immediate suspension and orders of summary suspension for the period of January 1, 2013 through December 31, 2013. Motion adopted by unanimous vote of the Board members.

**Authorization for the Use of Signature Stamps and Electronic Signatures**

**Action:** It was moved by Maryam Lyon, seconded by Susan Morano, that the Board authorize the use of signature stamps or electronic signatures of the Board President, Board Supervising Member For Disciplinary Matters, and Executive Director, by designated staff for the period of January 1, 2013 through December 31, 2013. Motion adopted by unanimous vote of the Board members.

**Authorization to Make Editorial Changes to Motions of the Board**

**Action:** It was moved by Roberta Stokes, seconded by Janet Arwood, that the Board authorize the Executive Director to make editorial changes to motions for the period of January 1, 2013 through December 31, 2013. Motion adopted by unanimous vote of the Board members.

**Authorization for Designated Staff to Sign AP and PIIP Agreements**

**Action:** It was moved by J. Jane McFee, seconded by Maryam Lyon, that the Board authorize designated staff of the Alternative Program for Chemical Dependency and the Practice Intervention and Improvement Program to sign program contracts on behalf of the Board for the period of January 1, 2013 through December 31, 2013. Motion adopted by unanimous vote of the Board members.

**Authorization for the Executive Director to Establish Standards of Employee Conduct**

**Action:** It was moved by Susan Morano, seconded by Melissa Meyer, that the Board authorize the Executive Director to establish standards of conduct for employees of the Board, including reviewing, revising, and/or re-approving existing standards of conduct. Motion adopted by unanimous vote of the Board members.

**Re-Appointment of Executive Director**

**Action:** It was moved by Janet Arwood, seconded by Lisa Klenke, that the Board re-appoint Betsy Houchen as Executive Director of the Ohio Board of Nursing. Motion adopted by unanimous vote of the Board members.

**Designation of Hospitality Chair**

The Board designated Susan Morano as Hospitality Chair.

**Hotel Accommodations for 2013 Meeting**

Joseph Kirk answered questions about the hotel and encouraged Board members to make their hotel reservations for 2013 as soon as possible.

**EVALUATION OF MEETING AND ADJOURNMENT**

President Bertha Lovelace, Vice-President Melissa Meyer, and Judith Church expressed their gratitude to the other Board members and the staff, as their Board member terms are set to expire. The other Board members thanked them for their leadership.

The meeting was adjourned on Wednesday, November 14, 2012 at 1:50 p.m. The meeting was adjourned on Thursday, November 15, 2012 at 2:20 p.m. On Friday, November 16, 2012, the meeting adjourned at 10:40 a.m.

Bertha Lovelace, RN, CRNA  
President



Attest:

Betsy Houchen, RN, MS, JD  
Executive Director

