



## OHIO BOARD OF NURSING

### MINUTES OF MEETING

#### **REGULAR MEETING OF THE BOARD SEPTEMBER 24-25, 2009**

The regular meeting of the Ohio Board of Nursing (Board) was held on September 24-25, 2009 at the Board office located at 17 South High Street, Suite 400, Columbus, Ohio 43215. The President, Vice-President, and Executive Director reviewed the agenda prior to the meeting.

On Thursday, September 24, at 8:32 a.m., President Lisa Klenke called the Board meeting to order. On Friday, September 25, 2009 at 8:30 a.m., President Lisa Klenke called the Board meeting to order. Vice-President J. Jane McFee read the Board mission each day and L. Klenke recognized students, welcomed the gallery, and requested that Board Members introduce themselves.

#### **BOARD MEMBERS**

Lisa Klenke, RN, President  
J. Jane McFee, LPN, Vice-President  
Anne Barnett, RN, Board Supervising Member for Disciplinary Matters  
Janet L. Boeckman, RN  
Patricia Burns, LPN  
Judith Church, RN  
Kathleen Driscoll, RN  
Delphenia Gilbert, RN  
Bertha Lovelace, RN  
Johnnie Maier, Consumer Member  
Melissa Meyer, LPN  
Patricia Protopapa, LPN  
Eric Yoon, RN

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

#### **ADMINISTRATIVE MATTERS**

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

On Thursday, the Board Reception was held at 8:00 a.m. Executive Session was held at 2:00 p.m., and the Board deliberated on cases pending before the Board following Executive Session. Open Forum was scheduled at 10:00 a.m. on Friday.

### **Minutes of July 23-24, 2009 Board Meeting**

**Action:** It was moved by Kathleen Driscoll, seconded by Janet Boeckman that the Board accept the minutes of the July 23-24, 2009 Board meeting as submitted. Motion adopted by unanimous vote of the Board members.

### **Executive Director Report**

Betsy Houchen stated that she was very proud to accept the NCSBN 2009 Regulatory Achievement Award on behalf of the Board at the 2009 Annual Meeting and Delegate Assembly on August 13, 2009. Lisa Klenke presented Betsy Houchen with a Certificate of Recognition on behalf of the Board, recognizing that the Board's receipt of the 2009 NCSBN Regulatory Achievement award represented the "tremendous accomplishments of the Board that have been achieved under Betsy Houchen's consistent, dedicated and exemplary leadership."

B. Houchen highlighted the following from the Executive Director Report:

- At the August All Staff meeting, staff member Peggy Carrier was recognized for twenty years of State service. The Board received two complimentary notes regarding the "excellent content" of *Momentum* and that the magazine is "informative, succinct, colorful and has great information."
- NCSBN is working to become a national depository for nursing workforce data. NCSBN staff came to the Board office in August 2009 to discuss the project. Board staff is considering options to gather workforce data for Ohio and work with NCSBN. B. Houchen informed the Board that the Ohio Association of Advanced Practice Nurses has asked the Board to add two more fields to APN renewal applications, the zip code of the primary work place and the specialty area in which the APNs work. B. Houchen reported that Board staff would review this request.
- The NCSBN Commitment to Ongoing Regulatory Excellence Committee (CORE) recognized Ohio as one of the top ten performing boards in the country in regards to its disciplinary processes and actions. Lisa Ferguson-Ramos attended a CORE Committee Invitational to discuss disciplinary best practices and she reported to the Board about the meeting.
- Board staff is beginning to implement a pilot program for Just Culture, TERCAP, and employer remediation. L. Ferguson-Ramos reported on a conference call held with Debi Jones, the Vice-President of Patient Care Services/CNO at Fairview Hospital to discuss the pilot program.
- NCSBN announced that *Nursing Pathways for Patient Safety* has been published. Lisa Emrich, as part of her work with the TERCAP Committee, authored one chapter and was co-author of a second chapter.

- Planning for H1N1 influenza continues as Board staff have been collaborating with the Ohio Department of Health. Eric Mays is the Board's Pandemic Coordinator and is updating the Continuity of Operations Plan. Janet Boeckman discussed the impact that H1N1 could have for nursing education programs fulfilling their clinical hours. It was noted that education programs would be required to follow their policy regarding student illness, and if an issue with fulfilling the clinical hours occurred, the program should document the unusual circumstances and how they addressed the issue.
- The Board's website is being revised and updated, beginning with the main page. The general appearance will more closely conform to the style used by the State's Ohio.Gov main web page.
- Board staff welcomed Senator Sue Morano to the office for renewal of her registered nurse license. We were pleased to have the opportunity to discuss nursing and legislation with the Senator. B. Houchen read a letter from Senator Morano congratulating the Board on receiving the 2009 Regulatory Achievement Award.
- The Board had a 91% online renewal rate for the 2009 RN Renewal, despite the documented problems with the DAS eLicense system this year. Additional problems occurred due to a DAS State Printing error in which over 600 Certificate To Prescribe (CTP) renewal applications were printed incorrectly. A second mailing was required to send corrected renewal applications to CTP holders. Processing time for initial licensure applications has been reduced to 30-35 business days.
- The Board recognized the Ohio Organization of Nurse Executives (OONE) and Elaine Lakin for her work with OONE as an OBN Approver for continuing education. OONE did not seek re-approval to be an OBN Approver.

### **Legislative Status Report**

Tom Dilling provided the legislative report. He reported that the Legislative Services Commission, through a state representative's office, is drafting a bill containing the Board legislative initiatives. He reported that HB 206, Schedule II prescribing by advanced practice nurses, should be voted out of committee soon. Board staff is monitoring HB 215, a dental board bill, because the bill could potentially be viewed as a model for future legislation applied to other boards. He believes a budget corrections bill is forthcoming in this session and will be of interest to all agencies due to concerns with the economy.

T. Dilling answered questions about the following legislation: HB 267, prescription forms; SB 158, continuing education in cultural competency for health care professionals; HB 230, Common Sense Regulation; and HB 241, DNR-related legislation. The Board discussed HB 205, a bill that would require

that a circulating nurse be assigned to each procedure performed in an operating room or invasive procedure room and that surgical technologists work under the direct supervision of circulating nurses. Discussion was held regarding the regulation of surgical technicians and whether the Nursing Board would be the appropriate regulating authority.

Lisa Klenke commented on SB 119, a bill that would require mandatory reporting of all pharmacy-dispensing errors to the Board of Pharmacy. Her concern is that there is a movement to review facility systems' issues related to patient safety and she questions if this bill would impact a systems approach to patient safety. She asked that Board staff review the bill to determine its ramifications and consider discussions about Just Culture with other health care boards.

### **Reentry Coalition**

T. Dilling stated that HB 130, passed by the 127<sup>th</sup> General Assembly, created the Ex-Offender Reentry Coalition and he is representing health care regulatory boards as part of the Coalition. He reported to the Coalition that boards and commissions are here to protect the public, and at the same time, are using their discretion appropriately and not barring everyone with a criminal history from becoming licensed. For example, he stated that the Board received approximately 10,000 applications last year and about 1,000 of the applicants had a criminal conviction. The Board imposed disciplinary action for approximately 100 applicants, and denied licensure to four applicants. T. Dilling has requested similar statistical information from other boards to present to the Coalition.

## **NEW BUSINESS**

### **Rule Review**

H. Fischer reviewed the following rule changes as discussed by the Board at the July Board meeting and based on subsequent discussions with interested parties.

### **Chapter 16 – Hearings**

The Board discussed and agreed to the following: Rule 16-03 (H): Language added: “and respondent has timely requested a hearing . . .” and Rule 16-12 (A): Language added: “prior to addressing the board, . . .”

### **Chapter 17 – IV Therapy Courses for LPNs**

The Board discussed and agreed to the following:

- Rule 17-01 (E): Revised definition of “piggyback” to reflect that it means an “intermittent or secondary” intravenous infusion, rather than “secondary” (or, as in current rule, “intermittent”). The term “piggyback” is used in the law (Section 4723.17(D)(6)(b), RC);
- Rule 17-03 (B)(3): Revised to add “intermittent or” secondary intravenous infusion, consistent with change in Rule 17-01 (E).

- Rule 17-05: Revised, at the request of the Ohio Hospital Association (OHA) and the Ohio Organization of Nurse Executives (OONE), to consistently use the term “continuing education course,” rather than “continuing education” or “course.” Paragraph (B)(1) revised, at the request of the Ohio Nurses Association (ONA), to allow faculty to have completed a registered nursing education program approved by the Board or any other National Council of State Boards of Nursing jurisdiction.
- Rule 17-07: Revised, at the request of OHA and OONE, to delete the word “student” and insert “nurse” to clarify that the rule describes post-licensure continuing education.

H. Fischer reviewed a September 17, 2009 letter from the Ohio Organization of Nurse Executives (OONE). One of the recommendations was to expand the definition of antibiotics to include anti-infectives and anti-fungals in Rule 4723-17-01. The Board was in agreement with this revision. The Board discussed an OONE recommendation for Rule 4723-17-03(B)(8). OONE recommended changing the word “complication” to a “suspected adverse transfusion reaction.” The Board did not agree to this recommendation because the Board’s intent with using the word “complication” was to encompass all adverse reactions, not only a transfusion reaction, and because it is within the LPN scope of practice to observe and report signs and symptoms of a complication. H. Fischer discussed that certain other revisions recommended by OONE were already addressed in the above discussion, and other recommendations would require a statutory change.

### **Chapter 25 – Nurse Education Grant Program**

The Board agreed, as discussed at the July meeting, that Rule 4723-25-03 should be corrected to reflect that the Board does not maintain the NEGP fund balance. The current rule will be rescinded and a new rule filed, as reviewed.

### **Chapter 26 – Community Health Workers**

Rule 26-01 (M): At the July Board meeting, the board recommended that a definition for “professional boundaries” remain in the rule, and asked staff to review alternative language. H. Fischer reviewed Rules 4723-26-10 and 4723-26-11 that set forth boundary-related disciplinary violations, similar to those for nurses. The Board also reviewed three alternatives for the definition of professional boundaries: (1) current language; (2) the NCSBN definition of “professional boundaries” (*from* NCSBN, Model Act, Article III, 3.4 (R)); and (3) a definition adapted for CHWs as set forth in “Watch Your Step: Nursing and Professional Boundaries,” Nursing Management (Springhouse), Volume 38(2), February 2007, p 24-20 (Holder, Karen, MHS, FNPC; Schenthal, Stephen J., MD, MSW).

After discussion, the Board agreed by consensus to keep the current definition in Rule 26-01(M): “Professional boundaries’ means the limits of the professional relationship that allow for a safe therapeutic relationship between the client and

the community health care worker.”

The Board also discussed and agreed to the following:

- Rule 26-04 (B): Language to mirror the language in Rule 4723-7-09(C), which states, “if a completed renewal application is not postmarked, renewed on-line, or otherwise received by the board . . . .”
- Rule 26-04 (I): Add a paragraph to allow for a waiver of the reinstatement fee for a lapsed certificate if the certificate expired due to military service, to mirror the change made last year in Rule 4723-27-05 (medication aides). The changes were made last year to the medication aide rule to reflect HB 372, which added special licensee/certificate holder renewal and continuing education exceptions for persons involved in active military duty. These changes were reflected in amendments to Section 5903.10 and 5903.12, ORC.
- Rule 26-05 (A): Add language to mirror the rule change made last year in 4723-14-01 (A) (definition of “category A” for nurses).
- Rule 26-09 (C): The Board asked that staff obtain commentary whether the language, “A registered nurse may not supervise any more than five community health workers at one given time,” was currently appropriate. A conference call was held with Dr. Mark Redding, a practitioner who regularly works with community health workers. Dr. Redding indicated that the current ratio seems to be working well, and did not recommend a change.
- Rule 26-10 (J)(1): Changes made, as requested by ONA, to mirror language in Rule 4723-4-06 for nurses, regarding identification in situations involving telecommunication rather than direct care.

#### **Other Proposed Rule Changes: Chapters 9, 10, and 11**

The Board discussed and agreed to the following:

- Rule 4723-9-03 (A): The Ohio Association of Advanced Practice Nurses (OAAPN) requested this rule, that currently requires APNs to have completed the 45 hour pharmacology course within the three years immediately prior to applying for a CTP, be changed to allow the course to have been completed within five years immediately prior to the application date. The Committee on Prescriptive Governance reviewed this proposal and agreed with the change.
- Rules 4723-5-10 (C) and Rule 4723-5-11 (C): Wright State University asked the Board to consider expanding the change made last year, which allows foreign-educated nurse graduates to meet the academic preparation requirements for administrative, faculty and instructional personnel in licensed practical and registered nursing programs, if they have practiced in Ohio for the past two years, so that the requirements

would also be met if the individual practiced in another National Council of State Boards of Nursing jurisdiction for the past two years.

**Action:** It was moved by J. Jane McFee, seconded by Janet Boeckman, that the Board approve for filing with the Joint Committee on Agency Rule Review, the proposed revisions to Ohio Administrative Code Chapters 4723-1; 4723-3; 4723-4; 4723-5; 4723-7; 4723-9; 4723-11; 4723-13; 4723-16; 4723-17; 4723-18; 4723-25; and 4723-26. It was further moved that the Board file the following rules with the Joint Committee on Agency Rule Review as no change rules: 4723-25-04; 4723-25-10; 4723-25-11; 4723-25-17; 4723-25-18; and 4723-26-13. It was further moved that the Board schedule a public hearing on Chapters 4723-1; 4723-3; 4723-4; 4723-5; 4723-7; 4723-9; 4723-11; 4723-13; 4723-16; 4723-17; 4723-18; 4723-25; and 4723-26 for Wednesday, November 18, 2009 at 1:00 p.m. in the Board room of the Ohio Board of Nursing. Motion adopted by unanimous vote of the Board members.

### **Annual Report**

B. Houchen reviewed the draft Annual Report and answered questions. K. Driscoll asked that information about the Nursing Education Advisory Group topics of discussion be added to the Report. A final draft report will be presented to the Board at the November 2009 Board meeting for approval.

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

The Board discussed a concern about new practical nursing education programs in relation to the nursing labor market statistics that were presented at the May 2008 Board meeting. A labor economist for the Ohio Department of Jobs and Family Services presented a study indicating that there is a “competitive” labor market for LPNs meaning the supply of LPNs is expected to exceed job opportunities. In light of this information, the Board voiced concerns about an increasing number of practical nursing education programs and a limited employment market for LPNs. Board staff will review nursing education program requirements and recent employment reports, as available, to provide additional information to the Board in November or January.

### **APPROVALS**

#### **New Nursing Education Program Approval**

Southwestern College Nursing Education Program, Practical Nursing Program

**Action:** It was moved by Anne Barnett, seconded by J. Jane McFee, that the Board grant conditional approval, in accordance with Rule 4723-5-08, OAC, to Southwestern College of Nursing Education Program, Practical Nursing Program. It was further moved that the program submit progress reports to the Board on or before April 15, 2010 and July 15, 2010. Motion adopted by unanimous vote of the Board members.

American Institute of Alternative Medicine Practical Nursing Education Program

**Action:** It was moved by Anne Barnett, seconded by Patricia Protopapa, that the Board grant conditional approval, in accordance with Rule 4723-5-08, OAC, to American Institute of Alternative Medicine Practical Nursing Education Program. It was further moved that the program submit progress reports to the Board on or before April 15, 2010 and July 15, 2010. Motion adopted by unanimous vote of the Board members.

**Nursing Education – Determination of Approval Status**

Wright State University-Miami Valley College of Nursing and Health

**Action:** It was moved by Judith Church, seconded by Delphenia Gilbert, that the Board grant full approval in accordance with Rule 4723-5-04, OAC, to Wright State University-Miami Valley College of Nursing and Health for a period of five years effective September 24, 2009. Motion adopted by unanimous vote of the Board members.

**Retroactive Approvals for Licensees and Certificate Holders**

**Action:** It was moved by J. Jane McFee, seconded by Janet Boeckman that the Board retroactively ratify, as submitted, the licenses and certificates initially issued by the Board of Nursing July 1, 2009 through August 31, 2009 to the following: registered nurses, licensed practical nurses, certificates of authority to certified registered nurse anesthetists, certified nurse-midwives, certified nurse practitioners, and clinical nurse specialists, all certificates to prescribe (CTP and CTP-externship), Ohio certified dialysis technicians, community health workers and certified medication aides, taking into account those licenses and certificates subject to discipline, surrender or non-renewal. Motion adopted by unanimous vote of the Board members.

**Executive Session**

On Thursday September 24, 2009:

**Action:** It was moved by J. Jane McFee that the Board go into Executive Session to discuss pending or imminent court action with legal counsel, and to consider the appointment and dismissal of public employees. Following Executive Session, the Board meeting was adjourned and the Board deliberated on cases pending before the Board. Motion adopted by roll call vote. Following Executive Session, the Board reported out, and adjourned the meeting.

**ADJUDICATION AND COMPLIANCE**

**Board Actions**

On Friday, September 25, 2009, President Klenke requested that each voting Board member verify that they reviewed in depth all materials by saying "yes" or "no" and that any Board member who had not reviewed the materials refrain from participating in the adjudication of any matter.

**NOTICES OF OPPORTUNITY FOR HEARINGS**

On Friday, September 25, 2009, the Board considered the following proposed

Notices of Opportunity for Hearing that were reviewed by Board members:

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

Roudebush, Cori, A. P.N. NCLEX (CASE #09-3359); Shoemaker, Deann, R. R.N. 328446 (CASE #08-0864); Kanu, Kadiatu, P.N. 125963 (CASE #07-1578); Wheeler, Teri, L. R.N. 287893 (CASE #08-3845); Walker, Michael, J. P.N. 114253 (CASE #09-0440); Barre, Melissa, J. R.N. 337791 (CASE #08-1456); Bailey, Mary, F. R.N. 297360 (CASE #09-3043); Brooks, Penny, R. P.N. 113325 (CASE #08-2792); Doty, Cari, M. R.N. 316233 (CASE #09-3368); Chu, Janice, R.N. 152969, C.O.A. 01618 (CASE #08-0998); Dotson, Latrina, M. P.N. 123838 (CASE #08-2254); Foxx, Letrice, D. P.N. 115340 (CASE #09-3846); Laycock, James, R. R.N. 286561 (CASE #08-1439); Moton, Chasity, J. R.N. NCLEX (CASE #09-2832); Morris, Jennifer, L. R.N. 151463 (CASE #09-2249); Michell, Leslie, A. P.N. 120937 (CASE #08-2801); Peterson, Kurt, W. R.N. 345967 (CASE #09-3600); Riffle-Roderus, Amber, D. R.N. 276054 (CASE #09-2735); Sutton, John, K. R.N. endorse (CASE #09-3807); Weaver, Ashley, E. P.N. NCLEX (CASE #09-2148); Wallis, Johnny, L. R.N. 322827 (CASE #08-2615); Westcote, Nicole, S. R.N. 271438 (CASE #09-3473); Yetter, Cathy, L. P.N. 096752 (CASE #09-4390); Williams, Mona, L. R.N. 282691 (CASE #09-3267); Puckett, Shelley, M. R.N. 325354 (CASE #08-3072); Rothrock, Robert, K. R.N. 274634, C.O.A. 06579 (CASE #09-3022); Sinnes, Rae, S. R.N. 208221 (CASE #09-1428); Lindsey, Syrita, M. R.N. 283547 (CASE #09-4061); Otis, Tyhesha, A. P.N. 102478 (CASE #09-3423); Jones, Robert, E. R.N. 329378 (CASE #08-3594); Dinya, Carrie, R. R.N. 292125 (CASE #09-4325); Daniels, Shannon, R.N. 314677 (CASE #08-4709); Butcher, Kathy, L. R.N. 119063 (CASE #08-0041); Prayer, Latasha, S. P.N. NCLEX (CASE #09-2890); Serra, Mariles, M. R.N. 319579 (CASE #08-4231); Tombragel, Rebecca, R. P.N. NCLEX (CASE #09-4137); Steinbrook, Audra, R. R.N. 309136 (CASE #09-3848); Keys, Jaciya, C. P.N. NCLEX (CASE #09-1495); Kilcourse, Michael, R.N. 316740 (CASE #09-0913); Kuppich, Gabriella, R.N. 251898 (CASE #09-3664); Eubanks, Catherine, A. R.N. 159174 (CASE #08-4103); Bullard, Lesa, D. R.N. 264512 (CASE #08-3799); Craft, Christopher, A. R.N. 237933 (CASE #09-0996); Holivay, Candis, M. R.N. 311461 (CASE #08-3220); Figueroa, David, D. R.N. 280929 (CASE #08-2863); Abernathy, David, S. R.N. 347484 (CASE #09-4445); Buckley, Kristen, L. R.N. 241930 (CASE #09-3866); Phillips, Mary, L. R.N. 190876 (CASE #09-4053); Pinkelton, Juanita, C. P.N. endorse (CASE #08-0481); and Cowdrey, Julie, M. P.N. 106337 (CASE #09-4543).

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

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

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

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

Lamb, Linda, M. P.N. 069588 (CASE #09-3864); Nelson, Abby, L. P.N. 073589 (CASE #09-0357); Goolsby, Tonya, M. P.N. 117368 (CASE #09-3617); Leatherman, Christine, A. R.N. 228575 (CASE #09-4434); Bruce, Ronda, A. P.N. 089730 (CASE #09-1096); Van Horn, Lee, A. P.N. 046050 (CASE #09-1007); Williams, Timothy, J. P.N. 104882 (CASE #08-4286); Yoder, Elaine, E. R.N. 294806, P.N. 042265 (CASE #08-4707); Kidder, Tina, R. P.N. 109515 (CASE #08-4278); Drummond, Tabatha, S. P.N. 101588 (CASE #09-2649); Richardson, Deborah, R. P.N. 081610 (CASE #09-0681); Sullivan, Jerome, M. R.N. 216849 (CASE #08-3853); Jones, Juanita, A. P.N. 108553 (CASE #09-4317); Marshall, Jenni, L. P.N. 125740 (CASE #08-3825); Masselli, Vivian, L. R.N. 265502 (CASE #09-0421); Padilla, Tonya, S. P.N. 069966 (CASE #08-0897); Adams, Stephen, L. P.N. 113194 (CASE #09-3748); Asbury, Marcy, L. P.N. 092294 (CASE #09-2358); Sellers, Lori, L. R.N. 257464 (CASE #09-1354); Dudley, Cheryl, A. P.N. 121537 (CASE #09-0075); and Boyson, Diane, E. R.N. 276424 (CASE #09-1799).

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

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

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

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

Collins, Marceia, N. P.N. 129656 (CASE #08-2013); Daugherty, Lisa, L. P.N. 126156 (CASE #09-3706); Lewis, Susan, E. R.N. 247410 (CASE #09-3707); Williams, Kimberly, S. P.N. 093267 (CASE #09-3943); Wright, Teresa, R.N. NCLEX (CASE #09-3424); Peters, Tammy, B. P.N. 112714 (CASE #09-3256); Kilpatrick, Jane, R.N. 322138 (CASE #09-4385); and Gabehart, Travis, T. P.N. 133410 (CASE #09-3024).

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

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

### **SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY**

**Action:** It was moved by Judith Church, seconded by J. Jane McFee, that there is clear and convincing evidence that continued practice by Hayden, Jessica, E. R.N. 300314 (CASE #09-3076), presents a danger of immediate and serious harm to the public, and therefore summarily suspend the license and issue a Notice of Opportunity for Hearing for violations of Chapter 4723 ORC, retroactive to the date it was issued, August 11, 2009.

### **SURRENDERS**

#### **Voluntary Surrender**

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

Grey, Dennis, M. R.N. 153568 (CASE #09-3550); Bowers, Marcia, L. R.N. 246503 (CASE #07-2614); Stull, Amber, J. R.N. 279628 (CASE #09-0679); Malave, Janine, D. R.N. 346057 (CASE #09-2839); Garland, Corinne, M. R.N. 201657 (CASE #08-3277); Gramuglia, Leonarda, A. R.N. 214308, P.N. 066844 (CASE #08-3489); and Selby, Joan, M. R.N. 191952 (CASE #08-1008).

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

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

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

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

Dotson, Pamela, A. P.N. NCLEX (CASE #07-1602);

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

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

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

**Action:** It was moved by Patricia Burns, 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):

Lovelady, Cynthia, D. IR 947245, R.N. Endorsement (CASE #08-2403); Holloman, Tonya, L. R.N. endorse (CASE #08-4734); and Ansbergs, Alena, A. P.N. Endorsement (CASE #09-2065).

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

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

### **VOLUNTARY RETIREMENTS**

**Action:** It was moved by Patricia Burns, seconded by Kathleen Driscoll, that the board accept the permanent voluntary retirement from the practice of nursing for the following case(s):

Benedict, Irene, J. R.N. 161115 (CASE #08-1591) and Robison, Donna, J. P.N. 073304 (CASE #08-2581).

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

### **CONSENT AGREEMENTS**

On Friday, September 25, 2009, the Board considered the terms of the following proposed consent agreements that were reviewed by Board members:

**Action:** It was moved by J. Jane McFee, seconded by Kathleen Driscoll, that the Board approve the consent agreements for violations of Chapter 4723. ORC entered into by and between the Board and the following cases:

Prater, Valerie, R.N. 228875 (CASE #09-0802); Fields, Tina, A. R.N. 340756 (CASE #09-1751); Tovanche, Nadia, A. P.N. 128519 (CASE #09-2837); Judge, Leigh, A R.N. 316718 (CASE #08-2632); Kazan, Moualla, R.N. endorse (CASE #09-3656); Wakelam, Sandra, E. R.N. 172558 (CASE #09-0842); Tanji, Che, S. P.N. NCLEX (CASE #09-2932); Keller, Ronald, R.N. 308280 (CASE #09-3884); Zavala, Shelley, L. R.N. 331395 (CASE #08-3228); Harris, Natasha, E. R.N. 249812 (CASE #09-1533); Neary, Helen, L. R.N. 137168 (CASE #09-2527); Gresham, Colleen, A. R.N. 288479 (CASE #08-1122); Nash, Amber, M. P.N. NCLEX (CASE #07-3902); Seawright, Theresa, R.N. 220039 (CASE #07-0820); Oney, Ashley, D. P.N. NCLEX (CASE #09-0341); Ashley, Maria, A. P.N. 130367 (CASE #09-1372); Fair, Jessica, A. P.N. 124039 (CASE #08-1082); Schumann, Sandra, K. R.N. 271662 (CASE #09-2726); Kirk-Smith, Jennifer, L. D.T. applicant, TC2 02887 (CASE #09-1397); Marshall, Jillian, M. R.N. 242309 (CASE #09-4093); Marshall, Penny, R.N. 215374 (CASE #09-3428); Civils, Jon, I. P.N. 117465 (CASE #09-1422); Metzler, David, E. R.N. 239218 (CASE

#08-3669); Raterman, Beth, A. R.N. 217883 (CASE #08-2071); Musto, Adam, C. P.N. 112787 (CASE #08-4275); Crabtree, Jessica, L. R.N. 246757 (CASE #08-2189); Kaffenberger, Cathy, L. R.N. 292875 (CASE #08-2519); Rese, Nicole, L. R.N. 266794 (CASE #09-3273); Patyk, Joseph, D. R.N. 285792 (CASE #09-0848); Crothers, Linda, L. P.N. 069951 (CASE #08-0844); Svoboda, Karen, C. R.N. 190729 (CASE #09-3420); Harris, Madonna, L. R.N. NCLEX (CASE #09-2006); Chase-Hutcherson, Jacqueline, P.N. NCLEX (CASE #09-3564); Lee, Michele, C. R.N. 286373 (CASE #07-2647); Felbry College School of Practical Nursing, (CASE #09-4401); Martin, Joelle, L. RN NCLEX (CASE #09-0333); Cunningham, Jasmine, A. PN NCLEX (CASE #09-0589); Anderson, Lakisha, R. P.N. NCLEX (CASE #09-2414); Webb, Lindsey, N. P.N. NCLEX (CASE #08-0658); Waliga, John, A. P.N. 092341 (CASE #08-2261); Brown, Margo, E. P.N. NCLEX (CASE #09-2158); Winans, Shawna, M. R.N. NCLEX (CASE #09-3454); McCoy, Judith, D. P.N. 113812 (CASE #08-1518); Montavon, Eric, D. P.N. 116898 (CASE #09-3940); Snow, Louise, F. R.N. 122558 (CASE #09-3941); Motley, Jessica, P.N. 112463 (CASE #09-4314); Dennison, Deborah, L. P.N. 131981 (CASE #09-0465); Walker, Tavette, Z. P.N. 089712 (CASE #09-3939); Brown, Kirby, L. R.N. 261962, N.P. 08302 (CASE #09-1441); McCray, James, R.N. 235301 (CASE #08-1268); Copas, Bethany, D. P.N. 100786 (CASE #07-3075); Short, Paula, F. R.N. 283101, C.O.A. 08849, R.X. 08849 (CASE #08-2871); Oney, Tara, M P.N. 103398 (CASE #07-1662); Huzzie, Monique, R.N. 293157 (CASE #04-1870); Faulkner, Stacy, R. R.N. 320806 (CASE #09-0023); Crabtree, Eva, M. R.N. 244259 (CASE #08-3484); Raupach, Brian, L. P.N. 098218 (CASE #09-0024); Gibson, Lynn, D. R.N. 280641 (CASE #03-1563); Voth, Kristen, R. P.N. 101134 (CASE #09-2422); Kelley, Mary, K. R.N. 132590 (CASE #09-3749); Jones, Daria, D. R.N. 314729, C.O.A. 08118 (CASE #08-3331); Kelly, Erica, E R.N. NCLEX (CASE #09-2344); Earley, Julie, A P.N. 089538 (CASE #08-4306); Combs, Karen, D. P.N. 096935 (CASE #09-4542); Howell, Laquandria, P.N. 106193 (CASE #09-0993); Doberstyn, Gina, M. R.N. 211115 (CASE #09-3261); Alamilla, Gina, P.N. 111212 (CASE #09-4313); Hessler, Christine, R. R.N. 289644 (CASE #09-4310); Brown, Cindy, A. P.N. NCLEX (CASE #08-3933); Heister, Andrew, M. R.N. 289588 (CASE #08-2864); Crisenbery, Brandi, M. R.N. NCLEX (CASE #08-4461); Carver, Heather, D. P.N. 109304 (CASE #09-0909); Tomaro, Mirella, N. P.N. 112188 (CASE #08-1676); Noori, Mozhgan, R.N. 220354 (CASE #08-4333); Shell, Anthony, L. R.N. 346689, P.N. 117451 (CASE #09-0801); Quarles, Marcia, D. P.N. 103566 (CASE #09-0184); Voss, Teresa, K. P.N. 084225 (CASE #08-2214); Pelton, Karen, M. R.N. 229775 (CASE #05-1458); Ohio Academy of, Holistic PN & RN Programs, (CASE #09-4438); Auburn Practical, Nursing Program, (CASE #09-4437); Hodges, Betty, S. R.N. endorse (CASE #09-2969); Dockery, Kimberly, M R.N. 285285 (CASE #09-0435); Dziak, Erin, M. P.N. NCLEX (CASE #09-0591); Higginbotham, Dawn, L. R.N. 313511 (CASE #09-0187); George, Tammy, A. R.N. 267789 (CASE #09-3310); Fessler, Adam, R. P.N. NCLEX (CASE #09-3461); Miller, Linda, L. P.N. 065738 (CASE #08-3523); Wheeler, Pamela, J. R.N. 247552 (CASE #09-3483); Stofko, Rosemarie, R.N. 260576 (CASE #09-0098); Schneider, Alicia, A. P.N. NCLEX (CASE #08-2329); Sams, Lisa, R. R.N. 304681 (CASE #09-2465); Seymour, Lisa, A. R.N. 210198 (CASE #09-2746); Lindsey, Pamela, J. R.N.

endorse (CASE #09-3917); Gerdeman, Sarah, E. R.N. 324532 (CASE #08-4276); Tidmore, Atrienne, S. P.N. 116056 (CASE #07-1733); Gavalier, Kara, M. R.N. 261582 (CASE #09-4456); Powell, Vonzell, W. P.N. NCLEX (CASE #08-3762); Cooper, Jody, D. P.N. NCLEX (CASE #09-3953); Quarles, Casey, M. P.N. NCLEX (CASE #09-4285); McGee, Tawnya, S. P.N. 112721 (CASE #08-2095); Stevick, Travis, J. P.N. NCLEX (CASE #09-3938); Kleman, Brandon, T. P.N. NCLEX (CASE #09-4340); Wolan, Lindsay, A. P.N. NCLEX (CASE #09-1231); Tower, Yolanda, C. P.N. 102676 (CASE #09-0621); Smith, Kimberly, S. P.N. NCLEX (CASE #09-3962); Bruce, Noel, A. R.N. NCLEX (CASE #09-2929); and Gibson, Melisa, M. P.N. NCLEX (CASE #09-2941).

Anne Barnett abstained from voting on all cases. Judith Church abstained on from voting on Fessler, Adam, R. P.N. NCLEX (CASE #09-3461) and Judge, Leigh, A R.N. 316718 (CASE #08-2632) only. Lisa Klenke abstained from voting on Bruce, Noel, A. R.N. NCLEX (CASE #09-2929) only. Patricia Burns voted no on the following cases only: Keller, Ronald, R.N. 308280 (CASE #09-3884); Schumann, Sandra, K. R.N. 271662 (CASE #09-2726); Huzzie, Monique, R.N. 293157 (CASE #04-1870); McCray, James, R.N. 235301 (CASE #08-1268); Howell, Laquandria, P.N. 106193 (CASE #09-0993); Doberstyn, Gina, M. R.N. 211115 (CASE #09-3261); and Tidmore, Atrienne, S. P.N. 116056 (CASE #07-1733). Judith Church voted no on the following cases only: Zavala, Shelley, L. R.N. 331395 (CASE #08-3228); Seawright, Theresa, R.N. 220039 (CASE #07-0820); McCray, James, R.N. 235301 (CASE #08-1268); Raupach, Brian, L. P.N. 098218 (CASE #09-0024); Voss, Teresa, K. P.N. 084225 (CASE #08-2214); and Tidmore, Atrienne, S. P.N. 116056 (CASE #07-1733). Kathleen Driscoll voted no on the following cases only: Ashley, Maria, A. P.N. 130367 (CASE #09-1372) and Schumann, Sandra, K. R.N. 271662 (CASE #09-2726). J. Jane McFee voted no on the following cases only: Raterman, Beth, A. R.N. 217883 (CASE #08-2071); Musto, Adam, C. P.N. 112787 (CASE #08-4275); Doberstyn, Gina, M. R.N. 211115 (CASE #09-3261); Crisenbery, Brandi, M. R.N. NCLEX (CASE #08-4461); and Voss, Teresa, K. P.N. 084225 (CASE #08-2214). Melissa Meyer voted on Heister, Andrew, M. R.N. 289588 (CASE #08-2864) only. Patricia Protopapa voted no on Montavon, Eric, D. P.N. 116898 (CASE #09-3940) and Walker, Tavette, Z. P.N. 089712 (CASE #09-3939) only. Eric Yoon voted no on Keller, Ronald, R.N. 308280 (CASE #09-3884) only. Motion adopted by majority vote of the Board members.

**Action:** It was moved by Judith Church, seconded by Janet Boeckman, that the Board approve the consent agreements for violations of Chapter 4723. ORC entered into by and between the Board and Alm, Kelsey, L. P.N. NCLEX (CASE #09-3961).

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

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

## **DEFAULT ORDERS**

Fende, Nicole, M. P.N. NCLEX (CASE #09-2442)

**Action:** It was moved by Janet Boeckman, seconded by Patricia Protopapa, the Board by certified mail letter, dated July 28, 2009, **NICOLE FENDE, L.P.N.**, was ordered to submit to an examination pursuant to Section 4723.28(G) ORC. A signed certified mail receipt was received by the Board indicating that **MS. FENDE** received the Order for the examination. **MS. FENDE** has failed to schedule an appointment for the examination and the Board has not received information that **MS. FENDE'S** failure to schedule the examination was due to circumstances beyond her control.

In accordance with Section 4723.28(G) ORC, the failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, unless the failure is due to circumstances beyond the individual's control and a default and final order may be entered without the taking of testimony or presentation of evidence. The Board finds that **MS. FENDE** 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 deny an application, suspend or place restrictions on a license for violation of Chapter 4723 or any rules adopted under that chapter.

In accordance with Section 4723.28(B)(16) and Section 4723.28(G) ORC, the Ohio Board of Nursing finds that that **MS. FENDE** has admitted the truth of the allegations set forth in the July 28, 2009 examination order issued to **MS. FENDE** and Orders that **MS. FENDE'S** application for licensure by examination to practice nursing as a licensed practical nurse in the State of Ohio is hereby denied for a period of one (1) year with the conditions for reapplication set forth below:

### **CONDITIONS FOR REAPPLICATION**

1. **MS. FENDE** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. FENDE** shall appear in person for interviews before the full Board or its designated representative as requested by the Board and prior to reapplication.
3. **MS. FENDE** 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 treatment recommended and/or restrictions specified by the

examining psychiatrist. If the Board and **MS. FENDE** 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.

4. **MS. FENDE** shall, at her own expense, obtain a psychiatric evaluation from Richard Friedell, M.D. or another psychiatrist approved in advance by the Board and shall provide the Board with complete documentation of such evaluation. Prior to the evaluation, **MS. FENDE** shall provide the psychiatrist with a copy of the Board Order and all public documents concerning **MS. FENDE**, 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, and any restrictions that should be placed on **MS. FENDE's** practice. The psychiatrist shall provide an opinion to the Board regarding whether **MS. FENDE** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

#### **Reporting Requirements of MS. FENDE**

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

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

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25<sup>th</sup> day of September, 2009.

## **HEARING EXAMINER REPORT AND RECOMMENDATION**

Crites, Lois, A. P.N. 112490 (CASE #07-0280)

**Action:** It was moved by Eric Yoon, seconded by Bertha Lovelace, that in the matter of Lois Crites, 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 **LOIS A. CRITES's** license to practice nursing as a licensed practical nurse in the State of Ohio is hereby suspended for an indefinite period of time but not less than three (3) years, retroactive to July 2007, with the conditions for reinstatement set forth below, and that following reinstatement, **MS. CRITES** shall be subject to probationary terms, conditions, and limitations for a minimum period of one (1) year and the Temporary Narcotic and Permanent Practice Restrictions set forth below.

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

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

### **Monitoring**

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

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

#### **Reporting Requirements of MS. CRITES**

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

### **DURATION**

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

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

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

### **Employment Conditions**

3. Prior to accepting employment as a nurse, each time with every employer, **MS. CRITES** shall notify the Board.
4. **MS. CRITES** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job

performance on a quarterly basis. **MS. CRITES** shall provide her employer(s) with a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. CRITES** is under a continuing duty to provide a copy of this Order and Notice of Immediate Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. CRITES**

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

### **Temporary Narcotic Restriction**

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

substances, or mood altering drugs. In addition, **MS. CRITES** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MS. CRITES** shall not call in or order prescriptions or prescription refills.

#### **Permanent Practice Restrictions**

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

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

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

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

Speer, Diane, P. P.N. 097466 (CASE #05-0124)

**Action:** It was moved by Judith Church, seconded by Delphenia Gilbert, that in the matter of Kelsey 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 **DIANA P. SPEER's** license to practice nursing as a licensed practical nurse in the State of Ohio is hereby suspended and that the suspension is stayed subject to the probationary terms, conditions, and limitations for a minimum period of one (1) year and the Permanent Practice Restrictions set forth below.

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

1. **MS. SPEER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. SPEER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **Within three (3) months of the effective date of this Order, MS. SPEER** 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. SPEER** shall provide the psychiatrist with a copy of this Order and Notice of Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. SPEER's** license, and a statement as to whether **MS. SPEER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
4. **MS. SPEER** 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. SPEER's** license.
5. **MS. SPEER** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. SPEER**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. SPEER's** criminal records

check reports to the Board. **MS. SPEER'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.**

6. **Within six (6) months of the effective date of this Order, MS. SPEER** 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 Communication Skills and five (5) hours of Professionalism.

### **Employment Conditions**

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

### **Reporting Requirements of MS. SPEER**

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

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

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

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

**MS. SPEER** 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. SPEER's suspension shall be lifted and MS. SPEER's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. SPEER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. SPEER** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. SPEER** 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. SPEER** has complied with all aspects of this Order; and (2) the Board determines that **MS. SPEER** is able to practice

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

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

### **NO REQUEST FOR HEARING**

Walker, Brandon, J. P.N. 124944 (CASE #08-4608)

**Action:** It was moved by Bertha Lovelace, seconded by Eric Yoon, that upon consideration of the charges stated against **BRANDON WALKER** in the May 15, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. WALKER** 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. WALKER'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, **MR. WALKER** 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 and the Temporary Narcotic and Temporary Practice Restrictions set forth below.

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

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

### **Monitoring**

3. **MR. WALKER** 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. WALKER's** history. **MR. WALKER** shall self-administer the prescribed drugs only in the manner prescribed.
4. **MR. WALKER** shall abstain completely from the use of alcohol.
5. Prior to seeking reinstatement by the Board, **MR. WALKER** 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. WALKER** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MR. WALKER** 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. WALKER's** license, and a statement as to whether **MR. WALKER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
6. **MR. WALKER** 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. WALKER's** license.
  7. **For a minimum, continuous period of six (6) months immediately prior to seeking reinstatement, MR. WALKER** 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. WALKER'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. WALKER** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. WALKER's** history.
  8. Within thirty (30) days prior to **MR. WALKER** initiating drug screening, **MR. WALKER** 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. WALKER**.
  9. After initiating drug screening, **MR. WALKER** 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. WALKER** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.

10. **For a minimum, continuous period of six (6) months immediately prior to seeking reinstatement, MR. WALKER** 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. WALKER** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
11. Prior to seeking reinstatement by the Board, **MR. WALKER** 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. WALKER** 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. WALKER's** license, and a statement as to whether **MR. WALKER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
12. **MR. WALKER** 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. WALKER's** license.

#### **Reporting Requirements of MR. WALKER**

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

### **DURATION**

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

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

1. **MR. WALKER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. WALKER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **MR. WALKER** shall successfully comply with all conditions imposed in Lawrence County Municipal Court Case No. CRA 0801575 and shall submit satisfactory documentation of completion.

### **Monitoring**

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

7. **MR. WALKER** 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. WALKER** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

### **Treating Practitioners and Reporting**

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

### **Employment Conditions**

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

accepting employment.

### **Reporting Requirements of MR. WALKER**

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

### **Temporary Narcotic Restriction**

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

### **Temporary Practice Restrictions**

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

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

The Board further Orders **BRANDON WALKER** to surrender his licensed practical nurse license, P.N. #124944, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Mitchell, Susan, T. R.N. 215340 (CASE #07-1700)

**Action:** It was moved by Delphenia Gilbert, seconded by Judith Church, that upon consideration of the charges stated against **SUSAN THOMAS MITCHELL** in the May 15, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. MITCHELL** 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. MITCHELL's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. MITCHELL** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. MITCHELL** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **MS. MITCHELL** shall successfully complete the terms, conditions, and limitations imposed on **MS. MITCHELL's** nursing license by the Order of the West Virginia Board of Examiners for Registered Professional Nurses (West Virginia Nursing Board). Prior to seeking reinstatement by the Board, **MS. MITCHELL** shall submit satisfactory documentation from the West Virginia Nursing Board that **MS. MITCHELL** has successfully completed all terms, conditions, and limitations imposed on **MS. MITCHELL's** West Virginia nursing license.

**Reporting Requirements of MS. MITCHELL**

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

### **DURATION**

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

The Board further Orders **SUSAN THOMAS MITCHELL** to surrender her registered nurse license, R.N. #215340, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Stricklen, David, R. R.N. 330012, P.N. 116761 (CASE #08-4180)

**Action:** It was moved by Patricia Protopapa, seconded by Janet Boeckman, that upon consideration of the charges stated against **DAVID R. STRICKLEN** in the May 15, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. STRICKLEN** 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. STRICKLEN's** license to practice nursing as a registered nurse and license to practice nursing as a licensed practical nurse are hereby suspended for an indefinite period of time.

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

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

2. **MR. STRICKLEN** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **MR. STRICKLEN** shall successfully complete the terms, conditions, and limitations imposed on **MR. STRICKLEN's** nursing license by the Order of the West Virginia Board of Examiners for Registered Professional Nurses (West Virginia Nursing Board). Prior to seeking reinstatement by the Board, **MR. STRICKLEN** shall submit satisfactory documentation from the West Virginia Nursing Board that **MR. STRICKLEN** has successfully completed all terms, conditions, and limitations imposed on **MR. STRICKLEN's** West Virginia nursing license.

### **Reporting Requirements of MR. STRICKLEN**

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

### **DURATION**

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

The Board further Orders **DAVID R. STRICKLEN** to surrender his registered nurse license, R.N. #330012, and his licensed practical nurse license, P.N. # 116761, immediately.

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

Durden, Reeda, A. P.N. 116434 (CASE #08-1279)

**Action:** It was moved by Janet Boeckman, seconded by Patricia Protopapa, that upon consideration of the charges stated against **REEDA ANN DURDEN** in the May 15, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. DURDEN** 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. DURDEN's** license to practice nursing as a licensed practical nurse is hereby suspended for a minimum period of one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MS. DURDEN** 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.

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

1. **MS. DURDEN** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. DURDEN** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. Prior to seeking reinstatement by the Board, **MS. DURDEN** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: five (5) hours of Ethics and five (5) hours of Professionalism.

#### **Monitoring**

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

10. After initiating drug screening, **MS. DURDEN** 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. DURDEN** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
11. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. DURDEN** 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. DURDEN** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
12. Prior to seeking reinstatement by the Board, **MS. DURDEN** 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. DURDEN** shall provide the psychiatrist with a copy of this Order and Notice of Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. DURDEN's** license, and a statement as to whether **MS. DURDEN** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
13. **MS. DURDEN** 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. DURDEN's** license.

#### **Reporting Requirements of MS. DURDEN**

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

### **DURATION**

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

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

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

### **Monitoring**

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

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

employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Opportunity for Hearing, including the date they were received. Further, **MS. DURDEN** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. DURDEN**

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

### **FAILURE TO COMPLY**

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

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

The Board further Orders **REEDA ANN DURDEN** to surrender her licensed practical nurse license, P.N. #116434, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Foster, Connie, J. P.N. 104758 (CASE #09-0576)

**Action:** It was moved by Johnnie Maier, seconded by J. Jane McFee, that upon consideration of the charges stated against **CONNIE JEAN FOSTER** in the May 15, 2009 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. FOSTER** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Automatic Suspension and Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MS. FOSTER'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **CONNIE JEAN FOSTER** to surrender her frameable wall certificate for licensed practical nurse license, P.N. #104758, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Miller, Kristen, L. P.N. 123857 (CASE #09-0189)

**Action:** It was moved by Patricia burns, seconded by Kathleen Driscoll, that upon consideration of the charges stated against **KRISTEN LEIGH MILLER** in the May 15, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. MILLER** 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. MILLER's** license to practice nursing as a licensed practical nurse is hereby suspended and that the suspension is stayed subject to the probationary terms, conditions, and limitations for a minimum period of one (1) year and the Permanent Practice Restrictions set forth below.

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

1. **MS. MILLER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. MILLER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **MS. MILLER** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. MILLER**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. MILLER's** criminal records check reports to the Board. **MS. MILLER'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.**
4. **Within six (6) months of the effective date of this Order, MS. MILLER** shall pay the fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board. Payment shall be mailed to the attention of the Compliance, Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
5. **Within six (6) months of the effective date of this Order, MS. MILLER** 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.

**Employment Conditions**

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

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

#### **Reporting Requirements of MS. MILLER**

8. **MS. MILLER** shall sign release of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
9. **MS. MILLER** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
10. **MS. MILLER** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
11. **MS. MILLER** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
12. **MS. MILLER** 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.
13. **MS. MILLER** shall verify that the reports and documentation required by this Order are received in the Board office.
14. **MS. MILLER** 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. MILLER** 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. MILLER** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

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

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Checki, Benjamin, J. P.N. 123012 (CASE #09-1797)

**Action:** It was moved by Kathleen Driscoll, seconded by Patricia Burns, that upon consideration of the charges stated against **BENJAMIN J. CHECKI** in the May 15, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. CHECKI** 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 **MR. CHECKI's** license to practice nursing as a licensed practical nurse is hereby suspended for a minimum period of one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MR. CHECKI** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years and the Temporary Narcotic and Permanent Practice Restrictions set forth below.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

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

**Monitoring**

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

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

#### **Reporting Requirements of MR. CHECKI**

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

13. **MR. CHECKI** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
14. **MR. CHECKI** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
15. **MR. CHECKI** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
16. **MR. CHECKI** shall verify that the reports and documentation required by this Order are received in the Board office.
17. **MR. CHECKI** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
18. **MR. CHECKI** shall submit to a BCI criminal records check.

### **DURATION**

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

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

1. **MR. CHECKI** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. CHECKI** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **MR. CHECKI** shall successfully complete the Early Intervention Program in Cuyahoga County Court of Common Pleas Case Number CR-08-519082 and shall submit satisfactory documentation of completion.

### **Monitoring**

4. **MR. CHECKI** 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.**

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

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

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

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

#### **Employment Conditions**

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

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

### **Reporting Requirements of MR. CHECKI**

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

14. **MR. CHECKI** 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.

15. **MR. CHECKI** 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. **MR. CHECKI** 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. **MR. CHECKI** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

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

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

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

### **Temporary Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

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

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Beach, Lori, A. R.N. 268904 (CASE #09-2266)

**Action:** It was moved by Melissa Meyer, seconded by J. Jane McFee, that upon consideration of the charges stated against **LORI A. BEACH** in the Notices and evidence supporting the charges, the Board consolidates the March 20, 2009 Notice of Opportunity for Hearing and the May 15, 2009 Notice of Opportunity for Hearing, and finds that **MS. BEACH** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notices. The Ohio Board of Nursing ORDERS that **MS. BEACH'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **LORI A. BEACH** to surrender her registered nurse license, R.N. #268904, and frameable wall certificate immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Mellert, Karen, L. P.N. 065064 (CASE #08-0098)

**Action:** It was moved by Eric Yoon, seconded by J. Jane McFee, that upon consideration of the charges stated against **KAREN MELLERT** in the May 15, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. MELLERT** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MS. MELLERT'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **KAREN MELLERT** to surrender her licensed practical nurse license, P.N. #065064, and frameable wall certificate immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Ratica, Donna, P.N. 042485 (CASE #09-1736)

**Action:** It was moved by Bertha Lovelace, seconded by Judith Church, that upon consideration of the charges stated against **DONNA RATICA** in the May 15, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. RATICA** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Immediate Suspension and Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MS. RATICA'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **DONNA RATICA** to surrender her licensed practical nurse license, P.N. #042485, and frameable wall certificate immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Moore, Kimberly, E. R.N. 165820 (CASE #08-2450)

**Action:** It was moved by Judith Church, seconded by Delphenia Gilbert that upon consideration of the charges stated against **KIMBERLY ELOISE (WEST) MOORE** in the May 15, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. MOORE** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MS. MOORE'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **KIMBERLY ELOISE (WEST) MOORE** to surrender her registered nurse license, R.N. #165820, and frameable wall certificate immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Grimmer, Deborah, S. P.N. 101885 (CASE #08-1076)

**Action:** It was moved by Delphenia Gilbert, seconded by Judith Church, that upon consideration of the charges stated against **DEBORAH SUE GRIMMER** in the May 15, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS.**

**GRIMMER** 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. GRIMMER's** license to practice nursing as a licensed practical nurse is hereby suspended for a minimum period of one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MS. GRIMMER** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years and the Permanent Narcotic and Permanent Practice Restrictions set forth below.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

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

**Monitoring**

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

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

#### **Reporting Requirements of MS. GRIMMER**

11. **MS. GRIMMER** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
12. **MS. GRIMMER** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and

prevailing standards of safe nursing practice.

13. **MS. GRIMMER** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
14. **MS. GRIMMER** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
15. **MS. GRIMMER** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
16. **MS. GRIMMER** shall verify that the reports and documentation required by this Order are received in the Board office.
17. **MS. GRIMMER** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
18. **MS. GRIMMER** shall submit to a BCI criminal records check.

### **DURATION**

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

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

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

### **Monitoring**

3. **MS. GRIMMER** 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.**

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

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

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

### **Reporting Requirements of MS. GRIMMER**

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

### **Permanent Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

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

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Fornshil, Deborah, S. P.N. 118178 (CASE #08-2866)

**Action:** It was moved by Patricia Protopapa, seconded by Janet Boeckman, that upon consideration of the charges stated against **DEBORAH SUE FORNSHIL** in the May 15, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. FORNSHIL** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Immediate Suspension and Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MS. FORNSHIL'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **DEBORAH SUE FORNSHIL** to surrender her frameable wall certificate for her licensed practical nurse license, P.N. #118178, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Jenkins, David, S. P.N. 113497 (CASE #08-0490)

**Action:** It was moved by Janet Boeckman, seconded by J. Jane McFee, that upon consideration of the charges stated against **DAVID SHANE JENKINS** in the May 15, 2009 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. JENKINS** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Automatic Suspension and Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MR. JENKINS'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **DAVID SHANE JENKINS** to surrender his frameable wall certificate for licensed practical nurse license, P.N. #113497, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Nichols, Mary, E. R.N. 237254 (CASE #08-4195)

**Action:** It was moved by Johnnie Maier, seconded by Patricia Burns, that upon consideration of the charges stated against **MARY NICHOLS** in the May 15, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. NICHOLS** 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. NICHOLS's** license to practice nursing as a registered nurse is hereby suspended for a minimum period of five (5) years, retroactive to the date **MS. NICHOLS's** nursing license was immediately suspended (May 15, 2009) with the conditions for reinstatement set forth below, and that following reinstatement, **MS. NICHOLS** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the Permanent Narcotic and Permanent Practice Restrictions set forth below.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

1. **MS. NICHOLS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. NICHOLS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. Prior to seeking reinstatement by the Board, **MS. NICHOLS** shall successfully comply with all conditions imposed in Hamilton County Court of Common Pleas Case Number B 0900160 and shall submit satisfactory documentation of completion.

**Monitoring**

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

- for Hearing. Further, **MS. NICHOLS** 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. NICHOLS's** license, and a statement as to whether **MS. NICHOLS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
7. **MS. NICHOLS** 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. NICHOLS's** license.
  8. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. NICHOLS** 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. NICHOLS'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. NICHOLS** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. NICHOLS's** history.
  9. Within thirty (30) days prior to **MS. NICHOLS** initiating drug screening, **MS. NICHOLS** 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. NICHOLS**.
  10. After initiating drug screening, **MS. NICHOLS** 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. NICHOLS** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
  11. **For a minimum, continuous period of one (1) year immediately prior**

**to seeking reinstatement, MS. NICHOLS** 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. NICHOLS** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

### **Reporting Requirements of MS. NICHOLS**

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

### **DURATION**

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

**Following reinstatement, MS. NICHOLS shall be subject to the following**

**probationary terms, conditions, and limitations for a minimum period of three (3) years.**

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

**Monitoring**

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

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

### **Reporting Requirements of MS. NICHOLS**

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

**Permanent Narcotic Restriction**

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

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

**Permanent Practice Restrictions**

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

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

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

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

### **Williams, Chauteya, L. P.N. NCLEX (CASE #08-4565)**

**Action:** It was moved by Patricia Burns, seconded by Kathleen Driscoll, that upon consideration of the charges stated against **CHAEUTEYA WILLIAMS** in the May 15, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. WILLIAMS** 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. WILLIAMS** shall be granted a license to practice nursing as a licensed practical nurse upon successful completion of the application process. After **MS. WILLIAMS** is granted a nursing license, **MS. WILLIAMS's** nursing license shall be suspended and that the suspension shall be stayed subject to the probationary terms, conditions, and limitations for a minimum period of three (3) years and the Temporary Practice Restrictions set forth below.

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

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

2. **MS. WILLIAMS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **MS. WILLIAMS** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. WILLIAMS**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. WILLIAMS's** criminal records check reports to the Board. **MS. WILLIAMS's** completed criminal records check, including the FBI check, **must be received by the Board within six (6) months after MS. WILLIAMS is granted a nursing license.**
4. **Within three (3) months after MS. WILLIAMS is granted a nursing license, MS. WILLIAMS** 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. WILLIAMS** shall provide the psychiatrist with a copy of this Order and Notice of Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. WILLIAMS's** license, and a statement as to whether **MS. WILLIAMS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
5. **MS. WILLIAMS** 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. WILLIAMS's** license.

#### **Employment Conditions**

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

### **Reporting Requirements of MS. WILLIAMS**

8. **MS. WILLIAMS** shall sign release of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
9. **MS. WILLIAMS** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
10. **MS. WILLIAMS** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
11. **MS. WILLIAMS** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
12. **MS. WILLIAMS** 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.
13. **MS. WILLIAMS** shall verify that the reports and documentation required by this Order are received in the Board office.
14. **MS. WILLIAMS** 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. WILLIAMS** 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. WILLIAMS** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

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

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Zeinner, Jennifer, J. R.N. 340485 (CASE #08-3270)

**Action:** It was moved by Kathleen Driscoll, seconded by Melissa Meyer, that upon consideration of the charges stated against **JENNIFER JO ZEINNER** in the March 20, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. ZEINNER** 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. ZEINNER's** license to practice nursing as a registered nurse is hereby suspended for a minimum period of one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MS. ZEINNER** 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. ZEINNER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.

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

### **Monitoring**

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

has full knowledge of **MS. ZEINNER's** history.

8. Within thirty (30) days prior to **MS. ZEINNER** initiating drug screening, **MS. ZEINNER** 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. ZEINNER**.
9. After initiating drug screening, **MS. ZEINNER** 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. ZEINNER** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
10. **For a minimum, continuous period of six (6) months immediately prior to seeking reinstatement, MS. ZEINNER** 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. ZEINNER** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.
11. Prior to seeking reinstatement by the Board, **MS. ZEINNER** 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. ZEINNER** shall provide the psychiatrist with a copy of this Order and Notice of Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. ZEINNER's** license, and a statement as to whether **MS. ZEINNER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
12. **MS. ZEINNER** 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. ZEINNER's** license.

### **Reporting Requirements of MS. ZEINNER**

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

### **DURATION**

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

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

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

### **Monitoring**

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

### **Reporting Requirements of MS. ZEINNER**

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

approved in advance by the Board.

### **Temporary Narcotic Restriction**

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

### **Temporary Practice Restrictions**

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

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

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

The Board further Orders **JENNIFER JO ZEINNER** to surrender her registered nurse license, R.N. #340485, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Tharp, Jennifer, R. P.N. 104797 (CASE #09-1704)

**Action:** It was moved by Melissa Meyer, seconded by Kathleen Driscoll, that upon consideration of the charges stated against **JENNIFER R. THARP** in the May 15, 2009 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. THARP** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Automatic Suspension and Opportunity for Hearing. The Ohio Board of Nursing ORDERS that **MS. THARP'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **JENNIFER R. THARP** to surrender her frameable wall certificate for licensed practical nurse license, P.N. #104797, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Eversole, Sandra, L. P.N. 132928 (CASE #09-0791)

**Action:** It was moved by Eric Yoon, seconded by Bertha Lovelace, that upon consideration of the charges stated against **SANDRA EVERSOLE** in the May 15, 2009 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. EVERSOLE** 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. EVERSOLE'S** license to practice nursing as a licensed practical nurse is hereby suspended for a minimum period of one (1) year with the conditions for reinstatement set forth below, and that following reinstatement, **MS. EVERSOLE** 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 and the Temporary Practice Restrictions set forth below.

## **REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

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

### **Monitoring**

3. Prior to seeking reinstatement by the Board, **MS. EVERSOLE** 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. EVERSOLE** 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. EVERSOLE's** license, and a statement as to whether **MS. EVERSOLE** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
4. **MS. EVERSOLE** 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. EVERSOLE's** license.
5. Prior to seeking reinstatement by the Board, **MS. EVERSOLE** shall, at her own expense, obtain an evaluation in anger management by a mental health provider approved in advance by the Board or its designee. Prior to the evaluation, **MS. EVERSOLE** shall provide the mental provider with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing. **MS. EVERSOLE** shall execute releases to permit the mental health provider to obtain any information deemed appropriate and necessary for the evaluation. The evaluating 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. EVERSOLE's** license to practice, and stating whether **MS. EVERSOLE** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
6. **MS. EVERSOLE** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the Board approved mental health provider until released. Further, the Board

may utilize the mental health provider's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. EVERSOLE's** license.

### **Reporting Requirements of MS. EVERSOLE**

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

### **DURATION**

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

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

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

### **Employment Conditions**

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

### **Reporting Requirements of MS. EVERSOLE**

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

### **Temporary Practice Restrictions**

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

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

shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

Kinas, Heather, J. P.N. 091231 (CASE #08-0916)

**Action:** It was moved by Judith Church, seconded by Delphenia Gilbert, that upon consideration of the charges stated against **HEATHER J. KINAS** in the September 3, 2008 Notice of Immediate Suspension and Opportunity for Hearing and the September 19, 2008 Notice of Opportunity for Hearing and evidence supporting the charges, the Board dismisses the following factual allegations contained in Item 2 of the September 19, 2008 Notice of Opportunity for Hearing: Ms. Kinas removed Vicodin on April 15, 2007, at 20:00 for Patient #5; Ms. Kinas removed one tablet of Oxycodone on February 20, 2007, at 22:00 for Patient #9; Ms. Kinas removed two tablets of Oxycodone on April 5, 2007, at 22:30 and April 16, 2007, at 20:00 for Patient #8; and Ms. Kinas removed two tablets of Percocet on April 2, 2007, at 20:00 for Patient #10.

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

The Board further Orders **HEATHER J. KINAS** to surrender her frameable wall certificate for licensed practical nurse license, P.N. #091231, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 25th day of September, 2009.

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

## **MONITORING**

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

**Action:** It was moved by Melissa Meyer, seconded by Kathleen Driscoll, that the following, having met the terms and conditions of their consent agreement with the Board, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released from their consent agreements or adjudication orders:

Haney, Latosha, M. P.N. 131983 (CASE #07-1813); Johnson, Brooke, L. P.N. 123788 (CASE #07-1864); Zeller, Adam, C. P.N. 124599 (CASE #08-0502); Shaffer, Annette, S R.N. 331686 (CASE #08-3343); Downs (Shuman), Mary, B. P.N. 130375 (CASE #07-1249); Rangel, Michele, M. P.N. 085438 (CASE #07-2607); Hernandez, Michelle, M. R.N. 172976 (CASE #06-3057); May, Angelita, N. R.N. 345383 (CASE #08-0644); Schaffter, Amanda, R. R.N. 342796 (CASE #08-0727); Spiers, Jason, D. P.N. 129661 (CASE #07-3719); Amico, Jonathan, A. TC 1 02715 (CASE #06-3186); LeMaster, Andrew, T. P.N. 129167 (CASE #07-2260); Hopson, Marchelle, L. P.N. 124126 (CASE #08-0870); and Yeagler, Katharine, L. P.N. 129663 (CASE #07-3520).

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

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

**Action:** It was moved by Patricia Burns, seconded by Kathleen Driscoll, that the following, having met the terms and conditions of their consent agreement with the Board, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released early from their consent agreements or adjudication orders:

Kraus, Janet, A. R.N. 338620 (CASE #07-3019); Dingus, Sierra, J. P.N. 113406 (CASE #08-0376); Reak, Ann, M. P.N. 086326 (CASE #07-1014); Mahnen, Emily, A. P.N. 120378 (CASE #07-3081); Hyden, Samuel, J. P.N. 103146 (CASE #05-2447); Bable, Erica, D. P.N. 110989 (CASE #06-2531); Goldberg, Adena, P.N. 128562 (CASE #07-1723); Lewis, Andrea, Jo P.N. 129657 (CASE #07-2526); and Thompson, Jacqueline, L. R.N. 259673 (CASE #08-0451).

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

#### **LIFTS OF SUSPENSION/PROBATION – TEMPORARY PRACTICE RESTRICTION(S) REMAINS**

**Action:** It was moved by Patricia Protopapa, seconded by Janet Boeckman, that the following, having met the terms and conditions of their consent agreements or adjudication orders with the Board, with the recommendation of Anne Barnett, Supervising Member for Disciplinary Matters, be released from the terms and conditions of their consent agreements or adjudication orders with the exception of the temporary practice restriction(s) that will remain in effect:

Smith, Angela, M P.N. 127957 (CASE #07-0629).

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

### **LIFT OF NARCOTIC RESTRICTION**

**Action:** It was moved by Janet Boeckman, seconded by J. Jane McFee, that the following, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released from their narcotic restrictions within their respective consent agreement or adjudication orders:

Sislow, John, E. R.N. 207497 (CASE #05-3350); Brickman, Laura, A R.N. 318002 (CASE #08-1623); and Denuit, Kimberly, A. R.N. 289681 (CASE #05-2671).

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

### **LIFT OF PRACTICE RESTRICTION**

**Action:** It was moved by Patricia Protopapa, seconded by Janet Boeckman, that the following, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released from their practice restrictions within their respective consent agreements or adjudication orders:

Warren, Andrea, P.N. 124131 (CASE #05-2989).

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

### **MODIFY PERMANENT WORK RESTRICTION SPECIFIC ONLY TO CURRENT POSITION**

**Action:** It was moved by Janet Boeckman, seconded by J. Jane McFee, that the Board modify the permanent practice restrictions listed within the July 21, 2006 consent agreement for Eckstein, Favian R.N. 327573 (CASE #08-1330), to allow Ms. Eckstein to accept a night nursing supervisor position with Scioto Retirement Community where she is currently employed.

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

**Action:** It was moved by Melissa Meyer, seconded by Patricia Burns, that the board modify the permanent practice restrictions listed within the July 18, 2008 consent agreement for Miller, Patricia, D R.N. 294339 (CASE #09-3264), to allow Ms. Miller to accept a nursing position with a temporary staffing agency to work at flu clinics at retail establishments and private businesses.

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

### **LIFT OF SUSPENSION/PROBATION – EARLY RELEASE – PERMANENT PRACTICE RESTRICTION REMAINS**

**Action:** It was moved by Janet Boeckman, seconded by Patricia Protopapa, that the following, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released from their temporary practice restrictions within their consent agreements, with the exception of the permanent practice restrictions that will remain in effect:

Gitcheff, Candy, B. R.N. 252843 (CASE #06-1107); Moore, Shelia, V. R.N. 329396 (CASE #06-1103); Hall, Jennifer, S R.N. 294884 (CASE #07-1627); and Howard, Yvonne, P.N. 091134 (CASE #05-0938).

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

### **REINSTATEMENT PER CONDITIONS OF CONSENT AGREEMENT OR ADJUDICATION ORDER**

**Action:** It was moved by Kathleen Driscoll, seconded by J. Jane MccFee, that the following be reinstated subject to the probationary terms in their respective consent agreement or adjudication order(s):

Kieser, David, E R.N. 300316 (CASE #08-2831); Howman, Sarah, K. P.N. 123772 (CASE #07-0149); and Warner, Cynthia, K. R.N. 211328 (CASE #07-2468).

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

## **REPORTS TO THE BOARD**

### **Board Committee Reports**

#### **Overview of Advisory Groups and Board Committees**

B. Houchen provided an overview of Board Committees and Advisory Groups. This discussion was requested at the Board Retreat. Applications for Advisory Group members will be posted on the web site and a Board Committee will review the applications at the November 2009 meeting and make recommendations for appointments.

#### **Appointment of Committee for Advisory Group Appointments**

The Board appointed Janet Boeckman, Judith Church, Kathleen Driscoll, and J. Jane McFee to the Board Committee for Advisory Group Appointments.

## **Open Forum – Friday, September 25, 2009 – No Participants**

### **Advisory Group Reports**

#### **Committee on Prescriptive Governance**

The CPG meeting was held on September 21, 2009. Eric Yoon reported that CPG discussed Rule 4723-9-04 in relation to a letter received from an individual having difficulty in completing the 1,500 hours of the externship program due to her responsibilities as an education program administrator. The individual requested the Board extend the length of the externship program by one year. The CPG Committee declined to recommend an extension of time, but they discussed the possibility of including the 500 hours of prescribing experience from a graduate program as part of the 1,500-hour requirement. J. Church stated that masters programs vary in requirements for the 500 hours and that she would want to assure all programs are similar. H. Fischer stated that this concept should be reviewed also in relation to SB 89, a bill that would set statutory requirements for the number of externship hours in relation to the endorsement of APNs. The Board asked staff to review this.

### **Other Reports**

#### **Compliance Priorities, Protocols, Disciplinary Fines**

L. Ferguson-Ramos and A. Barnett reviewed the Board policies on Processing and Disposition of Complaints, Applicant Protocols, and Discipline Priorities and Guidelines. As a follow-up to the Board discussion at the July Board meeting regarding the use of fines in all Consent Agreements and Board Orders, the policy on Discipline Priorities and Guidelines was modified as presented. The revisions reflect additional violations under Priority III cases for which licensees or certificate holders may be fined. A. Barnett, the Supervising Board Member for Disciplinary Matters, recommended the addition of these violations rather than adopting a universal policy to impose fines in every Board Order and Consent Agreement. The proposed revision to the policy maintains the Board's discretion to add fines on a case-by-case basis for violations. The Board reviewed the proposed additions to the Discipline Priorities and Guidelines Policy and agreed with the revisions as presented.

E. Yoon questioned the section of the Discipline Priorities and Guidelines Policy regarding discipline for APNs whose certificate of authority (COA) lapses and stated that he views a reprimand and fine as ineffective. A. Barnett and others stated that a reprimand and a fine is discipline that is permanently on a licensee's record and they believe licensees take it very seriously. B. Lovelace stated that she believes a COA is important but because it is not a practice error and has not caused patient harm, a reprimand and fine is appropriate discipline for these cases. She cited a case where a CRNA practiced in Pennsylvania, a state that does not require a COA to practice, and when the CRNA came to Ohio to practice, he did not obtain a COA, as

required. The Board discussed and agreed to add a time period of one year as the outer limit for cases in which a reprimand and fine, rather than probation, is appropriate, in Section 2a.vii of the Discipline Priorities and Guidelines.

**Action:** It was moved by Judith Church, seconded by Delphenia Gilbert, that the Board approve Applicant Protocol and Processing and Disposition of Complaints and Board Actions policies, as submitted, and approve Discipline Priorities and Guidelines policy, as amended, to include a time period of one year to Section 2a.vii. Motion adopted by unanimous vote of the Board members.

#### **Administrative Hearing Fees**

H. Fischer reviewed information regarding imposing administrative hearing fees. The Board agreed, by general consensus, to continue to discuss and consider assessing a fee for the cost of hearings when the licensee does not prevail. Imposing such a fee will require an amendment to the Nurse Practice Act. Board staff will draft legislative language for the Board's review.

#### **Permanent Restrictions in Consent Agreements and Board Orders**

During the July Board meeting there were questions about permanent restrictions and including "unless otherwise modified by the Board" language in Consent Agreements and Board Orders. The question was whether the "unless otherwise modified by the Board" language should be added to all Orders and Consent Agreements. H. Fischer suggested that the Board consider establishing guidelines of when "unless otherwise modified" language might be considered in Orders and Consent Agreements. Draft guidelines will be presented to the Board at the November meeting.

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

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

### **BOARD GOVERNANCE**

#### **NCSBN Annual Meeting and Delegate Assembly**

The Board viewed a slideshow of the 2009 Annual Meeting and Delegate Assembly.

#### **Ethics Training Update**

H. Fischer reported that the Ethics Commission has provided a DVD and materials for ethics training and indicated the materials and training can be provided to Board members, for the purposes of complying with the Governor's ethics training requirements. H. Fischer will provide the training at the 2010 Board Retreat.

### **2009 Board Dinner**

The Board Dinner in November will be at the Spaghetti Warehouse. This dinner is paid for by private contributions from Board members and no state funding is used.

### **Hotel Reservations and Expense reporting**

Joseph Kirk provided the information for Board members to make their individual hotel reservations at the Hyatt on Capitol Square for the 2010 Board meetings. He encouraged Board members to make their reservations as soon as possible to assure the rate.

J. Kirk stated that OBM Shared Services is implementing a mandatory new expense reimbursement process effective October 1, 2009. J. Kirk will serve as Board members' designee to electronically submit the required information based on the written documentation submitted by each Board member for reimbursement.

### **Communications/Twitter**

Eric Mays reported that Board staff is recommending adding Twitter as a means of increasing communication with licensees, certificate holders, and the public. He described the process of sending messages, or Tweets, to subscribers to provide "news" and refer them to a site to obtain more detailed information. Subscribers will receive the Board message, but the system will not allow a response to the messages. The Board agreed to add Twitter as a means to increase communications.

## **EVALUATION OF MEETING AND ADJOURNMENT**

A. Barnett thanked the staff recognizing the increasing workload and staff working together to cover for others on medical leave.

The meeting adjourned on September 25, 2009 at 11:03 a.m.

Lisa Klenke, MBA, RN, CNA  
President



Attest.

Betsy Houchen, RN, MS, JD  
Secretary

