



## OHIO BOARD OF NURSING

### MINUTES OF MEETING

#### **REGULAR MEETING OF THE BOARD MAY 14-15, 2009**

The regular meeting of the Ohio Board of Nursing (Board) was held on May 14-15, 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, May 14, at 8:34 a.m., President Lisa Klenke called the Board meeting to order. On Friday, May 15, 2009 at 9:06 a.m., President Lisa Klenke called the Board meeting to order. Vice-President J. Jane McFee read the Board mission each day.

#### **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 (Absent after 11:30 a.m. Thursday; Absent Friday)  
Bertha Lovelace, RN  
Johnnie Maier, Consumer Member  
Melissa Meyer, LPN  
Patricia Protopapa, LPN (Absent)  
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., Open Forum was held at 10:00 a.m., the Board Committee on Practice met at noon, and licensee George Morgan, RN, addressed the Board at 1:00 p.m. regarding his hearing Report and Recommendation. Executive Session was held at 2:00 p.m. on Thursday. An Open Forum was scheduled for Friday at 10:00 a.m. but no participants presented. The Board deliberated on cases pending before the Board on Thursday and Friday.

President Lisa Klenke welcomed new member, Melissa Meyer, LPN, to the Board. L. Klenke also recognized students, welcomed the gallery, and requested that Board Members introduce themselves.

### **Minutes of March 19-20, 2009 Board Meeting**

**Action:** It was moved by Janet Boeckman, seconded by J. Jane McFee that the Board accept the minutes of the March 19-20, 2009 Board meeting as amended. Motion adopted by unanimous vote of the Board members.

### **Minutes of April 16-17, 2009 Board Retreat**

**Action:** It was moved by J. Jane McFee, seconded by Janet Boeckman, that the Board accept the minutes of the April 16-17, 2009 Board Retreat as submitted. Motion adopted by unanimous vote of the Board members.

### **Executive Director Report**

B. Houchen announced that the Ohio Board of Nursing has been selected to receive the NCSBN 2009 Regulatory Achievement Award. According to NCSBN, "The Regulatory Achievement Award recognizes the Member Board that has made an identifiable, significant contribution to the purposes of NCSBN in promoting public policy related to the safe and effective practice of nursing in the interest of public welfare." The Awards Dinner will take place at the NCSBN Annual Meeting. B. Houchen praised staff for this achievement. The Board members expressed their pride, complimented the staff, and noted the many accomplishments of the Board.

- B. Houchen provided the Executive Director Report and highlighted the following:
- She recognized Cheryl Johnson for fifteen years of state service.
  - Fifteen staff members created a Watching Our Weight group (WOW!) that has so far lost a combined total of 155 pounds and was featured in the DAS Wellness Newsletter.
  - Staff raised donations for 1,310 meals for Operation Feed, exceeding the goal of 710 meals.
  - The CARE committee provided recognition for employees each day of Public Employees' Recognition Week, May 4 through 8.
  - The Data Integrity Project for NURSYS is targeted to begin before the end of the month.

### **Legislative Status Report**

Tom Dilling presented a legislative status report used to track and provide information regarding bills of interest to the Board. He reported that the budget bill, HB 1, was passed by the House of Representatives and is in the Senate. After the Senate passes their version, the bill will be considered by a conference committee to resolve the differences. The consolidation language was amended to specify that there be service level agreements between CSA and participating agencies.

T. Dilling answered questions regarding the following bills: HB 62 (Military Experience); SB 52 (Executive Branch-State Government); and SB 89 (Nurses-

Education Study Committee). T. Dilling stated that he is taking part in discussions regarding the regulation of surgical technologists, lay midwives, and alternative health care practitioners.

### **Fiscal Report**

Kathy King provided the third quarter report for fiscal year 2009. Staff continues to implement cost saving measures. Board members complimented K. King for the explanations provided regarding the quarterly report. B. Houchen reported that in accordance with Executive Order 2009-07S, staff is preparing a 30% reduction plan for all accounts, except payroll. The reduction includes not only supplies and contracts, but also includes service agreements, mileage, equipment, rental costs, etc. She stated that the largest costs for the Board are the costs of the statewide agreements negotiated by other state entities and the charges imposed by the Department of Administrative Services for mandated services.

### **NEW BUSINESS**

#### **Strategic Plan**

The Board reviewed the final Strategic Plan, as revised following the discussion at the Board Retreat.

**Action:** It was moved by Anne Barnett, seconded by J Jane McFee, that the Board adopt the 2010-2011 Strategic Plan as submitted. Motion adopted by unanimous vote of the Board members.

### **APPROVALS**

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

##### Ohio University School of Nursing

**Action:** It was moved by Kathleen Driscoll, seconded by Delphenia Gilbert, that the Board grant conditional approval to Ohio University School of Nursing, Baccalaureate Program, Athens, effective May 14, 2009. The program has met the requirements set forth in Chapter 4723-5, OAC, and has provided all information required by Rule 4723-5-08(D), OAC. It was further moved that the program submit conditional approval progress reports to the Board on or before January 8, 2010, January 8, 2011, January 8, 2012, and January 8, 2013. Motion adopted by unanimous vote of the Board members.

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

##### Xavier University School of Nursing Bachelor of Science in Nursing

**Action:** It was moved by Bertha Lovelace, seconded by Judith Church, that the Board grant full approval, in accordance with Rule 4723-5-04, OAC, to Xavier University School of Nursing, Bachelor of Science in Nursing Program, Cincinnati, in accordance with Rule 4723-5-04, OAC, for a period of five years effective May 14, 2009. Motion adopted by unanimous vote of the Board members.

Tri-state Medical Academy School of Practical Nursing

**Action:** It was moved by J. Jane McFee, seconded by Patricia Burns, that the Board grant full approval, in accordance with Rule 4723-5-04, OAC, to Tri-State Medical Academy School of Practical Nursing, Springdale, in accordance with rule 4723-5-04, OAC, for a period of five years effective May 14, 2009. Motion adopted by unanimous vote of the Board members.

Miami University Associate Degree Nursing Program

**Action:** It was moved by Kathleen Driscoll, seconded by Delphenia Gilbert, that the Board grant full approval, in accordance with Rule 4723-5-04, OAC, to Miami University Associate Degree Nursing Program, Hamilton, in accordance with Rule 4723-5-04, OAC, for a period of five years effective May 14, 2009. Motion adopted by unanimous vote of the Board members.

Mercy College of Northwest Ohio (BSN)

**Action:** It was moved by Anne Barnett, seconded by J. Jane McFee, that the Board grant full approval, in accordance with Rule 4723-5-04, OAC, to Mercy College of Northwest Ohio, Baccalaureate Degree Program, Toledo, in accordance with Rule 4723-5-04, OAC, for a period of five years effective May 14, 2009. Motion adopted by unanimous vote of the Board members.

Mercy College of Northwest Ohio (AD)

**Action:** It was moved by Anne Barnett, seconded by J. Jane McFee, that the Board grant full approval, in accordance with Rule 4723-5-04, OAC, to Mercy College of Northwest Ohio, Associate Degree Program, Toledo, in accordance with Rule 4723-5-04, OAC, for a period of five years effective May 14, 2009. Motion adopted by unanimous vote of the Board members.

Knoedler School of Practical Nurse Education

**Action:** It was moved by Bertha Lovelace, seconded by Patricia Burns, that the Board grant full approval, in accordance with Rule 4723-5-04, OAC, to Knoedler School of Practical Nurse Education, Jefferson, in accordance with Rule 4723-5-04, OAC, for a period of five years effective May 14, 2009. Motion adopted by unanimous vote of the Board members.

James Rhodes State College

**Action:** It was moved by Melissa Meyer, seconded by Kathleen Driscoll, that the Board grant full approval, in accordance with Rule 4723-5-04, OAC, to James Rhodes State College Practical Nursing Program, Lima, in accordance with Rule 4723-5-04, OAC, for a period of five years effective May 14, 2009. Motion adopted by unanimous vote of the Board members.

Galen College of Nursing

**Action:** It was moved by Delphenia Gilbert, seconded by Judith Church, that the Board grant full approval, in accordance with Rule 4723-5-04, OAC, to Galen College of Nursing, Associate Degree Program, in accordance with Rule 4723-5-

04, OAC, for a period of five years effective May 14, 2009. Motion adopted by unanimous vote of the Board members.

RETS College School of Nursing Practical Nursing Program

**Action:** It was moved by Bertha Lovelace, seconded by Kathleen Driscoll, that the Board continue its provisional approval, in accordance with Rule 4723-5-04, OAC, of RETS College School of Nursing Practical Nursing Program, Centerville, for a period of eighteen months effective May 14, 2009. The Board is continuing its provisional approval due to the program's failure to meet or maintain the requirements of Rules 4723-5-11(A)(5), 4723-5-14(C)(3), 4723-5-17(A), and 4723-5-21(A)(3), OAC. It was further moved that RETS College School of Nursing Practical Nursing Program submit progress reports to the Board on or before November 13, 2009 and May 13, 2010. Motion adopted by unanimous vote of the Board members.

Brown Mackie College

**Action:** It was moved by Judith Church, seconded by Bertha Lovelace, that the Board continue its provisional approval in accordance with Rule 4723-5-04, OAC, of Brown Mackie College Practical Nursing Education Program, Findlay, for a period of eighteen months effective May 14, 2009. The Board is continuing its provisional approval due to the program's failure to meet or maintain the requirements of rule 4723-5-09(B)(8), 4723-5-14(A) and (C)(3), 4723-5-15(A)(B) and (C), and 4723-5-21(D)(2), OAC. It was further moved that Brown Mackie College Practical Nursing Education Program submit progress reports to the Board on or before November 13, 2009 and May 13, 2010. Motion adopted by unanimous vote of the Board members.

**Medication Aide Training Programs**

Tolles Career & Technical Center – Re-approval

**Action:** It was moved by Anne Barnett, seconded by Kathleen Driscoll, that the Board, in accordance with Rule 4723-27-07, OAC, reapprove Tolles Technical Center Medication Aide Training Program, Plain City, for a period of two years, effective May 14, 2009. Motion adopted by unanimous vote of the Board members. J. Jane McFee abstained.

Starting Place Career Center – New Approval

**Action:** It was moved by Janet Boeckman, seconded by Kathleen Driscoll, that the Board, in accordance with Rule 4723-27-07, OAC, approve Starting Place Career Center Medication Aide Training Program, Galion, for a period of two years effective May 14, 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 March 1, 2009 through April 30, 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), community health workers, Ohio certified dialysis technicians, 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 May 14, 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, or employment of a public employee. 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, May 15, 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, May 15, 2009, the Board considered the following proposed Notices of Opportunity for Hearing that were reviewed by Board members:

**Action:** It was moved by Kathleen Driscoll, seconded by Patricia Burns, that the Board issue a Notice of Opportunity for Hearing for violations of Chapter 4723. ORC for the following case(s):

Slack, Jr., Webster, D. R.N. 320883, P.N. 116761 (CASE #08-4613); Stricklen, David, R. R.N. 330012 (CASE #08-4180); Alexander, Damea, S. P.N. 096773 (CASE #09-0162); Faulkner, Amy, L. R.N. 330939 (CASE #09-0437); Mellert, Karen, L. P.N. 065064 (CASE #08-0098); Ruoff, Nicole, A. P.N. 109440 (CASE #09-0298); Hart, Stacy, J. P.N. 103370 (CASE #08-4712); Earley, Julie, A. P.N. 089538 (CASE #08-4306); Conley, Tracy, A. R.N. 278294 (CASE #09-1944); Larson, Lindsay, P.N. 117251 (CASE #08-1566); Moore, Kimberly, E. R.N. 165820 (CASE #08-2450); Spangler, Kristi, A. P.N. 094776 (CASE #08-3257); Walker, Brandon, J. P.N. 124944 (CASE #08-4608); Brown, Kirby, L. R.N. 261962 (CASE #09-1441); Bowman, Jannette, S. P.N. 084142 (CASE #08-1930); Carver, Heather, D. P.N. 109304 (CASE #09-0909); McGinister, Stacy, L. P.N. 120672 (CASE #08-0123); Rauch, Douglas, A. R.N. 267679 (CASE #07-2431); Durden, Reeda, A. P.N. 116434 (CASE #08-1279); Gerdeman, Sarah, E. R.N. 324532 (CASE #08-4276); Harouff, Roberta, A. P.N. 079615 (CASE #09-0507); Miller, Kristen, L. P.N. 123857 (CASE #09-0189); Mitchell,

Susan, T. R.N. 215340 (CASE #07-1700); Musto, Adam, C. P.N. 112787 (CASE #08-4275); Zahler, Stephanie, M. P.N. 096411 (CASE #09-0676); Young, Christopher, M. P.N. 122557 (CASE #08-2432); Williams, Chaeuteya, L. P.N. NCLEX (CASE #08-4565); Thiel, Ronda, R. R.N. 184978 (CASE #09-1170); Schwartz, Steven, E. R.N. 139415 (CASE #09-0076); Lowman, Sharon, T. P.N. 110176 (CASE #07-2426); Beach, Lori, A. R.N. 268904 (CASE #09-2266); Brown, Cindy, A. P.N. NCLEX (CASE #08-3933); Cihlar, Steven, R. R.N. endorse (CASE #09-0637); Crabtree, Eva, M. R.N. 244259 (CASE #08-3484); Crisenbery, Brandi, M. R.N. NCLEX (CASE #08-4461); Cronin, James, C. R.N. 331276 (CASE #08-1585); Brown, Lisa, R.N. 262038 (CASE #08-4274); Drotleff, Amanda, B. R.N. 266700 (CASE #08-2893); Leskovac, John, M. R.N. 281961, C.O.A. 07151 (CASE #08-0120); and Krzewinski, Lester, H. P.N. 109315 (CASE #07-2882).

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

**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 Bowman, Jannette S. P.N. 084142 (CASE #08-1930). Motion adopted by majority vote of the board members with Anne Barnett and Melissa Meyer abstaining.

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

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

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

Cole, La Dawn, R. R.N. 260437 (CASE #09-1708); Phillips, Mary, L. R.N. 190876 (CASE #08-2251); Ratica, Donna, P.N. 042485 (CASE #09-1736); Fornshil, Deborah, S. P.N. 118178 (CASE #08-2866); Grimmer, Deborah, S. P.N. 101885 (CASE #08-1076); Knepper, Heather, R.N. 277536 (CASE #08-3645); Short, Paula, F. R.N. 283101, C.O.A. 08849, R.X. 08849 (CASE #08-2871); Nichols, Mary, E. R.N. 237254 (CASE #08-4195); Checki, Benjamin, J. P.N. 123012 (CASE #09-1797); Crabtree, Jessica, L. R.N. 246757 (CASE #08-2189); and Jacob, Susheela, R.N. 224468 (CASE #08-2932).

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

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

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

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

Eversole, Sandra, L. P.N. 132928 (CASE #09-0791); Foster, Connie, J. P.N. 104758 (CASE #09-0576); Civils, Jon, I. P.N. 117465 (CASE #09-1422); Wagner, Justin, P. R.N. 319925 (CASE #09-0991); Beyl, Linda, M. P.N. 101162 (CASE #09-1746); Jenkins, David, S. P.N. 113497 (CASE #08-0490); Puleo, Michael, R. P.N. 123675 (CASE #09-1748); Tawney, Kathleen, M. R.N. 293547 (CASE #09-0293); Lamb, Doris, J. R.N. 170114 (CASE #09-1172); Howell, Laquandria, P.N. 106193 (CASE #09-0993); and Tharp, Jennifer, R. P.N. 104797 (CASE #09-1704).

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

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

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

**Action:** It was moved by Kathleen Driscoll, seconded by Patricia Burns, that the Board issue Notice of Temporary Suspension and Opportunity for Hearing for violations of Chapter 4723. ORC for the following:

Boyd, Tanya, J. R.N. 304237 (CASE #09-2262)

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

A complete copy of the Temporary Suspension and Notices of Opportunity for Hearing shall be maintained in the exhibit book for the May 2009 Board meeting.

### **SURRENDERS**

#### **Voluntary Surrender**

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

Kinney, Charles, B. R.N. 313399 (CASE #08-3899); Ellsworth, Susan, J. P.N. 077075 (CASE #07-1218); Haase, Beth, A. P.N. 125451 (CASE #08-3548); Whittington, Allen, L. R.N. 185848, P.N. 060967 (CASE #08-1060);

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

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

### **CONSENT AGREEMENTS**

On Friday, May 15, 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 Janet Boeckman, that the Board approve the consent agreements for violations of Chapter 4723. ORC entered into by and between the Board and the following cases:

Thompson, Kaila, L. P.N. 134104 (CASE #08-3926); Reisert, Marsha, K. P.N. endorse (CASE #08-2093); Sylvester, Anthony, P. P.N. 119267 (CASE #08-0345); Bostio-Boakye, Tracey, M. P.N. 081168 (CASE #08-3252); Stenson, Lisa, C P.N. NCLEX (CASE #08-2334); Bing, Amanda, E. R.N. 276476 (CASE #07-1680); Evans, Richale, M. R.N. NCLEX, P.N. 121427 (CASE #09-0411); Black, Bettianna, K. P.N. 080350 (CASE #07-3062); French, Deryle, W. P.N. 086448 (CASE #08-3229); McKinniss, Tammy, D. P.N. NCLEX (CASE #08-4085); Ross, Ebony, P. R.N. NCLEX (CASE #09-0564); King, Richard, W. P.N. NCLEX (CASE #09-0488); McArthur, Kenneth, W. R.N. NCLEX (CASE #08-4791); Beltran, Cesar, E. R.N. 208575 (CASE #09-0096); Ellis, Terrell, P.N. 124123 (CASE #09-0300); Heuser, Melody, L. P.N. NCLEX (CASE #08-4794); Schweitzer, Hope, E. R.N. endorse (CASE #09-1706); Humberger, Amanda, E. R.N. 305290 (CASE #05-3048); Liberty, Cherie, L. R.N. 261197 (CASE #08-2042); McNear, Austin, J. P.N. NCLEX (CASE #09-0451); Carpenter, Samantha, L. R.N. 307101 (CASE #08-3818); Jefferson, Reshima, P.N. NCLEX (CASE #07-3891); Sharpley, Kristen, J. P.N. NCLEX (CASE #09-0936); Young, Rachel, C. P.N. NCLEX (CASE #08-3566); Jackson, Kadijah, C. R.N. NCLEX, P.N. 111522 (CASE #08-1054); Moon, Sung, Y. R.N. 349505 (CASE #09-0732); Duncan, Donna, F. R.N. 349500 (CASE #08-3881); Lamb, Tracey, J. R.N. 314122 (CASE #08-0542); Starkey, Constance, L. P.N. 094668 (CASE #08-1561); Kerchief, Kelly, M. R.N. 308234 (CASE #08-2285); Hans, Lisa, K. R.N. 243730 (CASE #08-3824); Bryant, Timara, L. P.N. 113173 (CASE #05-2354); Overley, Kellie, C. R.N. 180885 (CASE #08-3737); Coombs, Kristin, L. R.N. NCLEX (CASE #09-0938); Johnson, Cheryl, A. R.N. 265076 (CASE #07-0828); Otto, Pamela, R.N. 240724 (CASE #09-0364); Simon, Callie, R.N. 282316 (CASE #08-2577); Crowell, Alicia, M. TC 2 02851, (CASE #09-1954); Sears, Dawn, M. P.N. NCLEX (CASE #09-0980); Jindra, Daniel, N. P.N. NCLEX (CASE #09-0986); Rumbaugh, Douglas, W. P.N. NCLEX (CASE #09-0726); Smith, Mary, J. R.N. NCLEX, P.N. 125673 (CASE #09-1717); Tell, Candace, A. P.N. endorse (CASE #09-0924); McCoy, Tanja, L. P.N. 079519 (CASE #08-2636); Hoffhines, William, D. R.N. 161729 (CASE #08-1703); Rivera, Jamie, M. R.N. 268205 (CASE #08-2522); Cremean, Jennifer, S. R.N. 252129 (CASE #08-2882); Bahns, Todd, A. R.N. 283692 (CASE #08-2546);

Hresko, Joy, A. R.N. 216919 (CASE #09-1431); Michel, Lisa, R. R.N. 273762 (CASE #09-0992); Sharkey, Norma, J. P.N. 098236 (CASE #07-2077); Howard, Tracey, M. P.N. NCLEX (CASE #09-0418); Prange, Heather, L. P.N. endorse (CASE #07-3771); Sulak, Michele, A. P.N. NCLEX (CASE #08-1780); Ghast, Sarah, E. P.N. NCLEX (CASE #08-4728); Smith, Jonas, L. P.N. 111793 (CASE #08-3664); Mikula, Sarah, E. P.N. 119601 (CASE #07-2300); Lillo III, Raymond, V. R.N. 341543 (CASE #09-0087); Ambriola, Nikole, M. R.N. 290620 (CASE #08-4045); Calevro, Marla, K. P.N. 067593 (CASE #08-2928); Pressler, Kristie, L. R.N. 289437 (CASE #08-0853); Struna, Kathryn, M. R.N. 240855 (CASE #08-3062); Pagas, Jessica, L. P.N. 111769 (CASE #08-0628); Ford, Katrina, B. R.N. 278065 (CASE #08-3232); Tomczak, Ashleigh, N. P.N. NCLEX (CASE #08-0442); Smalley, Margaret, A. R.N. NCLEX, P.N. 069826 (CASE #09-0789); Andrews, Judith, R. P.N. 129234 (CASE #08-2726); Longo, Anna, M. R.N. 306499 (CASE #09-0793); Beggs, Linda, S. R.N. 152581 (CASE #08-3745); Miller, Patricia, M. R.N. 316053 (CASE #08-4585); Shearer, Regina, M. P.N. endorse (CASE #08-0615); Lyday, Donna, R.N. 210854 (CASE #07-3235); Rond, Christopher, J. R.N. NCLEX (CASE #09-0770); Kulwicki, Sarah, M. R.N. 309856 (CASE #08-0092); Lisk, Cindy, E. R.N. NCLEX (CASE #09-1402); Schirmer, Kathleen, D. P.N. NCLEX (CASE #08-3734); Keaton, Sandra, G. P.N. NCLEX (CASE #09-0566); Culver, Terra, L. R.N. NCLEX, P.N. 111150 (CASE #09-0734); Scherer, Katherine, J. R.N. 232511, P.N. 074034 (CASE #07-1470); Reeves, Tina, P.N. NCLEX (CASE #08-1371); Irvin, Kari, L. R.N. NCLEX (CASE #09-0824); Coleman, Carol, A. R.N. 117280 (CASE #08-3967); Johnson, Julia, M. P.N. 102915 (CASE #08-2524); Slaughter, Coralee, A. R.N. 169365 (CASE #09-1086); Mountain, Kyia, M. R.N. NCLEX (CASE #09-0563); Fountain, Robin, M. P.N. NCLEX (CASE #08-4031); Wheeler, Theresa, N. P.N. NCLEX (CASE #08-1694); Foley, Michael, J. R.N. NCLEX (CASE #08-2713); Venn, Vicki, C. R.N. NCLEX, P.N. 119462 (CASE #08-0680); Kratko, Meghan, C. R.N. 292091 (CASE #08-1742); Eakle, Leslie, C. P.N. 105799 (CASE #08-1909); Finnegan, Cindi, J. R.N. 265591 (CASE #08-3544); Booher, Christopher, R. R.N. NCLEX, P.N. 115676 (CASE #08-0566); Carnes, Crystal, J. P.N. NCLEX (CASE #08-4515); Griessmann, Scott, R.N. NCLEX, P.N. 117248 (CASE #08-4627); Bohn, Patricia, M. R.N. 250962 (CASE #06-0390); McClellan, Lasheta, D. P.N. NCLEX (CASE #09-1403); Gingher, Christina, M. P.N. 128515 (CASE #09-0894); Liggett, Pamela, Jo P.N. 099282 (CASE #07-2408); Whitman, Jason, A. R.N. 278543, C.O.A. applicant (CASE #08-4637);

Anne Barnett, Judith Church and Melissa Meyer abstained from voting on all cases. Bertha Love lace abstained from voting on Humberger, Amanda, E. R.N. 305290 (CASE #05-3048) only. Patricia Burns voted no on the following cases only: Rivera, Jamie, M. R.N. 268205 (CASE #08-2522); Sharkey, Norma, J. P.N. 098236 (CASE #07-2077); Lillo III, Raymond, V. R.N. 341543 (CASE #09-0087); and Pressler, Kristie, L. R.N. 289437 (CASE #08-0853). Kathleen Driscoll voted no on the following cases only: Rumbaugh, Douglas, W. P.N. NCLEX (CASE #09-0726); Smith, Mary, J. R.N. NCLEX (CASE #09-1717); and Ambriola, Nikole, M. R.N. 290620 (CASE #08-4045). Johnnie Maier Jr., voted no on the following cases only: King, Richard, W. P.N. NCLEX (CASE #09-0488); Beltran, Cesar, E. R.N. 208575 (CASE #09-0096); Ellis, Terrell, P.N.

124123 (CASE #09-0300); and Humberger, Amanda, E. R.N. 305290 (CASE #05-3048). J. Jane McFee voted no on the following cases only: Bryant, Timara, L. P.N. 113173 (CASE #05-2354) and Bahns, Todd, A. R.N. 283692 (CASE #08-2546). Eric Yoon voted no on the following cases only: Ross, Ebony, P. R.N. NCLEX (CASE #09-0564); Beltran, Cesar, E. R.N. 208575 (CASE #09-0096); Ellis, Terrell, P.N. 124123 (CASE #09-0300); Humberger, Amanda, E. R.N. 305290 (CASE #05-3048); Liberty, Cherie, L. R.N. 261197 (CASE #08-2042); Carpenter, Samantha, L. R.N. 307101, P.N. 107385 (CASE #08-3818); Overley, Kellie, C. R.N. 180885 (CASE #08-3737); Johnson, Cheryl, A. R.N. 265076 (CASE #07-0828); Cremean, Jennifer, S. R.N. 252129 (CASE #08-2882); Bahns, Todd, A. R.N. 283692 (CASE #08-2546); and Smith, Jonas, L. P.N. 111793 (CASE #08-3664). Motion adopted by majority vote of the Board members.

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

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

**Action:** It was moved by Janet Boeckman, seconded by J. Jane McFee, that the Board withdraw the Notice of Opportunity for Hearing that was issued by the Board on September 28, 2007 for Ratica, Donna, P.N. 042485 (CASE #08-2665). The Board is issuing a Notice of Immediate Suspension and Opportunity for Hearing for Ms. Ratica at the May 2009 Board meeting. Motion adopted by majority vote of the Board members with Anne Barnett, Judith Church and Melissa Meyer abstaining.

#### **WITHDRAWAL OF NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING**

**Action:** It was moved by Bertha Lovelace, seconded by Judith Church, that the Board withdraw the Notice of Automatic Suspension and Opportunity for Hearing that was issued by the Board on July 23, 2007 for Gould, Kelly, R. P.N. 114325 (CASE #07-1691). Ms. Gould is not responding to the Board and the Board cannot locate Ms. Gould. Motion adopted by majority vote of the Board members with Anne Barnett and Melissa Meyer abstaining.

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

Morgan, George, A. P.N. 127962 (CASE #08-3437)

**Action:** It was moved by Eric Yoon, seconded by Bertha Lovelace, that in the matter of George Morgan, the Board accept all of the Findings of Fact, Conclusions of Law, and modify the recommendation in the Hearing Examiner's Report and Recommendation and ORDERED that **GEORGE A. MORGAN's** license to practice nursing as a licensed practical nurse in the State of Ohio is hereby suspended for an indefinite period of time, retroactive to November 2008, and that the suspension shall be stayed subject to the probationary terms, conditions, and limitations and the Temporary Practice Restrictions set

forth below for a minimum period of one (1) year. The rationale for the modification is the fact that **MR. MORGAN** had a valid reason for missing the drug screen, the fact that **MR. MORGAN** previously had fifteen months of clean drug screens, and the age of the original offense.

**MR. MORGAN shall be subject to the following probationary terms, conditions, and limitations:**

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

**Monitoring**

3. **MR. MORGAN** 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. MORGAN's** history. **MR. MORGAN** shall self-administer the prescribed drugs only in the manner prescribed.
4. **MR. MORGAN** shall abstain completely from the use of alcohol.
5. **Within forty-five (45) days of the effective date of this Order, MR. MORGAN** shall begin submitting, at his expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after **MR. MORGAN'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 **MR. MORGAN** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. MORGAN's** history.
6. Within thirty (30) days prior to **MR. MORGAN** initiating drug screening, **MR. MORGAN** 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. MORGAN**.
7. After initiating drug screening, **MR. MORGAN** 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. MORGAN** 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.

### **Employment Conditions**

8. Prior to accepting employment as a nurse, each time with every employer, **MR. MORGAN** shall notify the Board.
9. **MR. MORGAN** 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. MORGAN** shall provide his employer(s) with a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing and shall have his employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing, including the date they were received. Further, **MR. MORGAN** is under a continuing duty to provide a copy of this Order and Notice of Automatic Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MR. MORGAN**

10. **MR. MORGAN** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
11. **MR. MORGAN** 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.
12. **MR. MORGAN** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
13. **MR. MORGAN** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
14. **MR. MORGAN** 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.
15. **MR. MORGAN** shall verify that the reports and documentation required by

this Order are received in the Board office.

16. **MR. MORGAN** 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.
17. If requested by the Board or its designee, prior to working as a nurse, **MR. MORGAN** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

### **Temporary Practice Restrictions**

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

**MR. MORGAN** 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. MORGAN's** suspension shall be lifted and **MR. MORGAN's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MR. MORGAN** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MR. MORGAN** via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, **MR. MORGAN** 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. MORGAN** has complied with all aspects of this Order; and (2) the Board determines that **MR. MORGAN** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MR. MORGAN** and review of the reports as required herein. Any period during which **MR. MORGAN** 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 15th day of May, 2009.

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

Cabell, Walter, E. P.N. 083735 (CASE #06-3290)

**Action:** It was moved by Janet Boeckman, seconded by J. Jane McFee, that in the matter of Walter Cabell, the Board accept all of the Findings of Fact, Conclusions of Law, and modify the recommendation in the Hearing Examiner's Report and Recommendation and ORDERED that **WALTER E. CABELL's** license to practice nursing as a licensed practical nurse in the State of Ohio is hereby suspended for an indefinite period of time and that the suspension shall be stayed subject to the probationary terms, conditions, and limitations and the Temporary Practice Restrictions set forth below for a minimum period of two (2) years. The rationale for the modification is due to the length of time that **MR. CABELL** has been working and that there is no evidence of drug diversion.

**MR. CABELL shall be subject to the following probationary terms, conditions, and limitations:**

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

**Monitoring**

3. **MR. CABELL** 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. CABELL's** history. **MR. CABELL** shall self-administer the prescribed drugs only in the manner prescribed.
4. **MR. CABELL** shall abstain completely from the use of alcohol.
5. **Within three (3) months immediately prior to working as a nurse, MR. CABELL** 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. CABELL** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MR. CABELL** 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. CABELL's** license, and a statement as to whether **MR. CABELL** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
6. **MR. CABELL** 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. CABELL's** license.
  7. **For a minimum, continuous period of ninety (90) days immediately prior to working as a nurse, MR. CABELL** 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. CABELL'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 **MR. CABELL** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. CABELL's** history.
  8. Within thirty (30) days prior to **MR. CABELL** initiating drug screening, **MR. CABELL** 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. CABELL**.
  9. After initiating drug screening, **MR. CABELL** 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. CABELL** 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 ninety (90) days immediately prior to working as a nurse, MR. CABELL** 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. CABELL** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

### **Employment Conditions**

11. Prior to working as a nurse, **MR. CABELL** must obtain approval in advance from the Board or its designee and must be in full compliance with this Order. Prior to accepting employment as a nurse, each time with every employer, **MR. CABELL** shall notify the Board.
12. **MR. CABELL** 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. CABELL** 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. CABELL** 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. CABELL**

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

19. **MR. CABELL** 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, **MR. CABELL** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

### **Temporary Practice Restrictions**

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

**MR. CABELL** 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. CABELL's suspension shall be lifted and MR. CABELL's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MR. CABELL** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MR. CABELL** via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, **MR. CABELL** 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. CABELL** has complied with all aspects of this Order; and (2) the Board determines that **MR. CABELL** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MR. CABELL** and review of the reports as required herein. Any period during which **MR. CABELL** 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 **WALTER E. CABELL** to surrender his licensed practical nurse license #P.N. 083735 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 15th day of May, 2009.

Motion adopted by majority vote of the Board members with Melissa Meyer abstaining.

Lantz, Tamara, S P.N. 079621 (CASE #07-0761)

**Action:** It was moved by J. Jane McFee, seconded by Patricia Burns, in the matter of Tamara Lantz, that the Board accept in part, the Findings of Fact and Conclusions of Law, and modify the Findings of Fact, Conclusions of Law, in part, as follows:

First, the Board found that Rule 4723-4-04(I) of the Ohio Administrative Code does not contain a "good faith" or other exception authorizing a licensed practical nurse to obtain and disclose client health information without consent, without insuring the security of the information, and without limiting the patient information to only what is relevant, material and pertinent to the complaint.

Here, information was removed from the facility, transported in **MS. LANTZ'S** car to her residence, and faxed from OfficeMax, a public place. Additionally, nurses' report tapes containing information about multiple patients unrelated to the complaint were disclosed.

Second, the Board found that the Hearing Examiner's interpretation of Rule 4723-4-04(I), OAC, is contrary to the statutory framework established in Sections 4723.28 and 4723.29, ORC, which authorizes the Board to conduct investigations and subpoena only the patient records that are relevant to the alleged violation, material to the investigation, and pertinent to the time period of the alleged violation.

Third, the Board found that the Board investigated **MS. LANTZ'S** concerns, and no evidence substantiating the allegations made by **MS. LANTZ** existed.

The Board concluded that **MS. LANTZ** violated Rule 4723-4-04(I), OAC. The Board abstained from taking disciplinary action against **MS. LANTZ'S** license to practice nursing as a licensed practical nurse based on violation of Rule 4723-4-04(I), OAC, as this is a matter of first impression.

In all other respects, the Board accepted the Findings of Fact, and Conclusions of Law.

The Board accepted the Recommendation to dismiss Item 2. of the September 19, 2008 Notice of Opportunity for Hearing, with prejudice.

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 15th day of May, 2009.

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

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

Hambel, Angela, S. P.N. 087625 (CASE #08-3475)

**Action:** It was moved by Johnnie Maier Jr., seconded by Janet Boeckman, that upon consideration of the charges stated against **ANGELA SUE HAMBEL** in the November 24, 2008 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. HAMBEL** 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. HAMBEL's** license to practice nursing as a licensed practical nurse is hereby suspended for a minimum period of two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. HAMBEL** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the Temporary Narcotic and Temporary Practice Restrictions set forth below.

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

1. **MS. HAMBEL** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. HAMBEL** 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. HAMBEL** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: one (1) hour of Ohio Nursing Law and Rules; and fifteen (15) hours of Ethics.
4. Prior to seeking reinstatement by the Board, **MS. HAMBEL** 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 Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

#### **Monitoring**

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

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

#### **Reporting Requirements of MS. HAMBEL**

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

20. **MS. HAMBEL** shall submit to a BCI criminal records check.

### **DURATION**

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

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

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

### **Monitoring**

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

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

#### **Temporary Narcotic Restriction**

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

#### **Temporary Practice Restrictions**

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

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

The Board further Orders **ANGELA SUE HAMBEL** to surrender her licensed practical nurse license #P.N. 087625 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 15th day of May, 2009.

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

Thomas, Larry, O. P.N. 117670 (CASE #08-3384)

**Action:** It was moved by Patricia Burns, seconded by Kathleen Driscoll, that upon consideration of the charges stated against **LARRY O. THOMAS** in the January 20, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. THOMAS** 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. THOMAS's** license to practice nursing as a licensed practical nurse is hereby 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 Permanent Practice Restrictions set forth below.

**MR. THOMAS shall be subject to the following probationary terms, conditions, and limitations:**

1. **MR. THOMAS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. THOMAS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **MR. THOMAS** shall comply with all terms, conditions, and limitations imposed by the Court in Franklin County Court of Common Pleas Case Number 08 CR 6850.
4. **Within six (6) months of the effective date of this Order, MR. THOMAS** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: eight (8) hours of Ethics; and eight (8) hours of Professionalism.
5. **MR. THOMAS** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MR. THOMAS**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MR. THOMAS's** criminal records check reports to the Board. **MR. THOMAS's** completed criminal records check, including the FBI check, **must be received by the Board within six (6) months of the effective date of this Order.**

**Employment Conditions**

6. **MR. THOMAS** 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. **MR. THOMAS, 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. **MR. THOMAS** 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. **MR. THOMAS** 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, **MR. THOMAS** 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. THOMAS**

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

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

**MR. THOMAS** 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.

**MR. THOMAS** shall not be involved in financial activities or supervise financial activities.

### **FAILURE TO COMPLY**

The stay of **MR. THOMAS's** suspension shall be lifted and **MR. THOMAS's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MR. THOMAS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MR. THOMAS** via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, **MR. THOMAS** 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. THOMAS** has complied with all aspects of this Order; and (2) the Board determines that **MR. THOMAS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MR. THOMAS** and review of the reports as required herein. Any period during which **MR. THOMAS** 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 15th day of May, 2009.

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

Stewart, Melissia, J. R.N. 332076 (CASE #08-3003)

**Action:** It was moved by Kathleen Driscoll, seconded by Patricia Burns, that upon consideration of the charges stated against **MELISSIA J. (JOHNSON) STEWART** in the November 24, 2008 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. STEWART** 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. STEWART's** license to practice nursing as a registered nurse is hereby indefinitely suspended.

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

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

2. **MS. STEWART** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **MS. STEWART** shall successfully complete the terms, conditions, and limitations imposed on **MS. STEWART's** nursing license by the Order of the Kentucky Board of Nursing. Prior to seeking reinstatement by the Board, **MS. STEWART** shall submit satisfactory documentation from the Kentucky Board of Nursing that **MS. STEWART** has successfully completed all terms, conditions, and limitations imposed on **MS. STEWART's** Kentucky nursing license.

#### **Reporting Requirements of MS. STEWART**

4. **MS. STEWART** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
5. **MS. STEWART** 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. STEWART** 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. STEWART** 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. STEWART** 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. STEWART** shall verify that the reports and documentation required by this Order are received in the Board office.
10. **MS. STEWART** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
11. **MS. STEWART** shall submit to a BCI criminal records check.
12. If requested by the Board or its designee, prior to working as a nurse, **MS. STEWART** 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. STEWART** submits a written request for reinstatement; (2) the Board determines that **MS. STEWART** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. STEWART** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. STEWART** and review of the documentation specified in this Order.

The Board further Orders **MELISSIA J. (JOHNSON) STEWART** to surrender her registered nurse license #R.N. 332076 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 15th day of May, 2009.

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

### **Massie, Susan, F. P.N. 103974 (CASE #08-3743)**

**Action:** It was moved by Eric Yoon, seconded by Bertha Lovelace, that upon consideration of the charges stated against **SUSAN F. MASSIE** in the January 20, 2009 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. MASSIE** 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. MASSIE's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time with the conditions for reinstatement set forth below, and that following reinstatement, **MS. MASSIE** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the Temporary Narcotic and Temporary Practice Restrictions set forth below.

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

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

### **Monitoring**

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

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

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

#### **Reporting Requirements of MS. MASSIE**

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

## **DURATION**

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

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

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

## **Monitoring**

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

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

#### **Temporary Narcotic Restriction**

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

#### **Temporary Practice Restrictions**

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

**MS. MASSIE** 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. MASSIE's suspension shall be lifted and MS. MASSIE's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. MASSIE** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. MASSIE** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. MASSIE** 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. MASSIE** has complied with all aspects of this Order; and (2) the Board determines that **MS. MASSIE** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. MASSIE** and review of the reports as required herein. Any period during which **MS. MASSIE** 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 **SUSAN F. MASSIE** to surrender her licensed practical nurse license #P.N. 103974 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 15th day of May, 2009.

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

### **Rinehart, Karen, A. R.N. 312735 (CASE #08-3263)**

**Action:** It was moved by Bertha Lovelace, seconded by Eric Yoon, that upon consideration of the charges stated against **KAREN RINEHART** in the November 21, 2008 Notice of Temporary Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. RINEHART** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Temporary Suspension and Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MS. RINEHART's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time with the conditions for reinstatement set forth below, and that following reinstatement, **MS. RINEHART** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of two (2) years and the Permanent Practice Restrictions set forth below.

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

1. **MS. RINEHART** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. RINEHART** 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. RINEHART** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: eight (8) hours of Professional Boundaries; and eight (8) hours of Ethics.
4. Prior to seeking reinstatement by the Board, **MS. RINEHART** 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 Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

### **Monitoring**

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

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

#### **Reporting Requirements of MS. RINEHART**

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

or information directly to the Board.

14. **MS. RINEHART** 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. RINEHART** 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. RINEHART** 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. RINEHART** 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. RINEHART** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. RINEHART** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
20. **MS. RINEHART** shall submit to a BCI criminal records check.

### **DURATION**

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

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

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

### **Monitoring**

3. **MS. RINEHART** 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. RINEHART's** history. **MS. RINEHART** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. RINEHART** shall abstain completely from the use of alcohol.
5. During the probationary period, **MS. RINEHART** 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. RINEHART** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. RINEHART's** history.
6. **MS. RINEHART** 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. RINEHART** 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. RINEHART** 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. RINEHART** 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. RINEHART** 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. RINEHART** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. RINEHART** 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. RINEHART** shall notify the Board.
11. **MS. RINEHART** 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. RINEHART** shall provide her employer(s) with a copy of this Order and Notice of Temporary 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 Temporary Suspension and Opportunity for Hearing, including the date they were received. Further, **MS. RINEHART** is under a continuing duty to provide a copy of this Order and Notice of Temporary Suspension and Opportunity for Hearing to any new employer prior to accepting employment.

### **Reporting Requirements of MS. RINEHART**

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

### **Permanent Practice Restrictions**

**MS. RINEHART** 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; (5) for an individual or group of individuals who directly engage **MS. RINEHART** to provide nursing services for fees, compensation, or other consideration or as a volunteer; or (6) providing direct patient care to mental health patients or working for mental health facilities or institutions.

**MS. RINEHART** 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. RINEHART's** suspension shall be lifted and **MS. RINEHART's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. RINEHART** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. RINEHART** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. RINEHART** 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. RINEHART** has complied with all aspects of this Order; and (2) the Board determines that **MS. RINEHART** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. RINEHART** and review of the reports as required herein. Any period during which **MS. RINEHART** 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 **KAREN RINEHART** to surrender her registered nurse license #R.N. 312735 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 15th day of May, 2009.

Motion adopted by majority vote of the Board members with Melissa Meyer abstaining.

Wallace, Jennifer, A. P.N. 088559 (CASE #08-3115)

**Action:** It was moved by Janet Boeckman, seconded by J. Jane McFee, that upon consideration of the charges stated against **JENNIFER A. WALLACE** in the November 24, 2008 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. WALLACE** 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. WALLACE's** license to practice nursing as a licensed practical nurse is hereby suspended for a minimum period of two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. WALLACE** 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. WALLACE** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. WALLACE** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

#### **Monitoring**

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

- for Hearing. Further, **MS. WALLACE** 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. WALLACE's** license, and a statement as to whether **MS. WALLACE** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
6. **MS. WALLACE** 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. WALLACE's** license.
  7. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MS. WALLACE** 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. WALLACE'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. WALLACE** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. WALLACE's** history.
  8. Within thirty (30) days prior to **MS. WALLACE** initiating drug screening, **MS. WALLACE** 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. WALLACE**.
  9. After initiating drug screening, **MS. WALLACE** 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. WALLACE** 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. WALLACE** 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. WALLACE** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

### **Reporting Requirements of MS. WALLACE**

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

### **DURATION**

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

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

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

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

**Monitoring**

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

9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. WALLACE** 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. WALLACE** shall notify the Board.
11. **MS. WALLACE** 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. WALLACE** 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. WALLACE** 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. WALLACE**

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

#### **Permanent Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

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

Upon receipt of this notice, **MS. WALLACE** 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. WALLACE** has complied with all aspects of this Order; and (2) the Board determines that **MS. WALLACE** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. WALLACE** and review of the reports as required herein. Any period during which **MS. WALLACE** 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 A. WALLACE** to surrender her licensed practical nurse license #P.N. 088559 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 15th day of May, 2009.

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

Andrews, Scott, E. R.N. 321444 (CASE #08-1879)

**Action:** It was moved Johnnie Maier, seconded by Patricia Burns, that upon consideration of the charges stated against **SCOTT ANDREWS** in the January 20, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. ANDREWS** 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. ANDREWS's** license to practice nursing as a registered nurse is hereby suspended for a minimum period of two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MR. ANDREWS** 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. **MR. ANDREWS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. ANDREWS** 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, **MR. ANDREWS** 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 Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

### **Monitoring**

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

#### **Reporting Requirements of MR. ANDREWS**

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

16. **MR. ANDREWS** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MR. ANDREWS** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MR. ANDREWS** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
19. **MR. ANDREWS** shall submit to a BCI criminal records check.

### **DURATION**

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

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

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

### **Monitoring**

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

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

### **Treating Practitioners and Reporting**

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

### **Employment Conditions**

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

12. **MR. ANDREWS** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MR. ANDREWS** shall submit any and all information that the Board may request regarding his ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MR. ANDREWS** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MR. ANDREWS** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MR. ANDREWS** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MR. ANDREWS** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MR. ANDREWS** 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. If requested by the Board or its designee, prior to working as a nurse, **MR. ANDREWS** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

### **Permanent Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

**MR. ANDREWS** 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. ANDREWS's suspension shall be lifted and MR. ANDREWS's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MR. ANDREWS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MR. ANDREWS** via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, **MR. ANDREWS** 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. ANDREWS** has complied with all aspects of this Order; and (2) the Board determines that **MR. ANDREWS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MR. ANDREWS** and review of the reports as required herein. Any period during which **MR. ANDREWS** 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 **SCOTT ANDREWS** to surrender his registered nurse license #R.N. 321444 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 15th day of May, 2009.

Motion adopted by majority vote of the board members with Anne Barnett and Melissa Meyer abstaining.

Luff, Roxie, A. P.N. 122864 (CASE #08-1364)

**Action:** It was moved by Patricia Burns, seconded by Kathleen Driscoll, that upon consideration of the charges stated against **ROXIE A. LUFF** in the January 20, 2009 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. LUFF** 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. LUFF's** license to practice nursing as a licensed practical nurse is hereby suspended for a minimum period of three (3) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. LUFF** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the Temporary Narcotic and Permanent Practice Restrictions set forth below.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

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

**Monitoring**

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

acceptable and prevailing standards of safe nursing care.

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

#### **Reporting Requirements of MS. LUFF**

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

### **DURATION**

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

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

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

### **Monitoring**

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

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

course or extensive orientation approved in advance by the Board.

### **Temporary Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

**MS. LUFF** 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. LUFF's suspension shall be lifted and MS. LUFF's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. LUFF** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. LUFF** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. LUFF** 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. LUFF** has complied with all aspects of this Order; and (2) the Board determines that **MS. LUFF** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. LUFF** and review of the reports as required herein. Any period during which **MS. LUFF** 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 **ROXIE A. LUFF** to surrender her licensed practical nurse license #P.N. 122864 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 15th day of May, 2009.

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

Bryant, Martha, A.J. R.N. 228874 (CASE #08-2523)

**Action:** It was moved by Anne Barnett, seconded by Patricia Burns, that upon consideration of the charges stated against **MARTHA ANN JONES BRYANT** in the September 22, 2008 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. BRYANT** 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. BRYANT's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time with the conditions for reinstatement set forth below, and that following reinstatement, **MS. BRYANT** 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. BRYANT** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. BRYANT** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

#### **Monitoring**

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

#### **Reporting Requirements of MS. BRYANT**

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

#### **DURATION**

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

Order.

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

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

### **Monitoring**

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

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

#### **Permanent Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

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

suspension, the Board shall notify **MS. BRYANT** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. BRYANT** 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. BRYANT** has complied with all aspects of this Order; and (2) the Board determines that **MS. BRYANT** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. BRYANT** and review of the reports as required herein. Any period during which **MS. BRYANT** 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 **MARTHA ANN JONES BRYANT** to surrender her registered nurse license #R.N. 228874 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 15th day of May, 2009.

Motion adopted by majority vote of the Board members with Melissa Meyer abstaining.

### **Ross, Kathy, A. P.N. 127601 (CASE #08-2708)**

**Action:** It was moved by Kathleen Driscoll, seconded by Patricia Burns, that upon consideration of the charges stated against **KATHY A. ROSS** in the November 24, 2008 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. ROSS** 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. ROSS'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **KATHY A. ROSS** to surrender her licensed practical nurse license #P.N. 127601 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 15th day of May, 2009.

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

Griffin, Susan, M. R.N. 313507 (CASE #08-1656)

**Action:** It was moved by Eric Yoon, seconded by Bertha Lovelace, that upon consideration of the charges stated against **SUSAN M. GRIFFIN** in the January 20, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. GRIFFIN** 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. GRIFFIN'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. GRIFFIN** 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. GRIFFIN** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. GRIFFIN** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

**Monitoring**

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

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

#### **Reporting Requirements of MS. GRIFFIN**

11. **MS. GRIFFIN** shall sign release of information forms allowing health

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

12. **MS. GRIFFIN** 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. GRIFFIN** 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. GRIFFIN** 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. GRIFFIN** 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. GRIFFIN** shall verify that the reports and documentation required by this Order are received in the Board office.
17. **MS. GRIFFIN** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
18. **MS. GRIFFIN** shall submit to a BCI criminal records check.

### **DURATION**

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

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

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

### **Monitoring**

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

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

Board.

### **Permanent Narcotic Restriction**

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

### **Permanent Practice Restrictions**

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

**MS. GRIFFIN** 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. GRIFFIN's suspension shall be lifted and MS. GRIFFIN's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. GRIFFIN** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. GRIFFIN** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. GRIFFIN** 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. GRIFFIN** has complied with all aspects of this Order; and (2) the Board determines that **MS. GRIFFIN** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. GRIFFIN** and review of the reports as required herein. Any period during which **MS. GRIFFIN** 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 **SUSAN M. GRIFFIN** to surrender her registered nurse license #R.N. 313507 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 15th day of May, 2009.

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

Sanders, Patricia, I. P.N. 121574 (CASE #08-2607)

**Action:** It was moved by Bertha Lovelace, seconded by Judith Church, that upon consideration of the charges stated against **PATRICIA IRENE SANDERS** in the January 20, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. SANDERS** 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. SANDERS'S** license to practice nursing as a licensed practical nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **PATRICIA IRENE SANDERS** to surrender her licensed practical nurse license #P.N. 121574 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 15th day of May, 2009.

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

Padilla, Tonya, S. P.N. 069966 (CASE #08-2263)

**Action:** It was moved by Janet Boeckman, seconded by J. Jane McFee, that upon consideration of the charges stated against **TONYA S. PADILLA** in the September 22, 2008 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. PADILLA** 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. PADILLA'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. PADILLA** 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. PADILLA** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. PADILLA** 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. PADILLA** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: one (1) hour of Ohio Nursing Law and Rules; and four (4) hours of Ethics.

### **Monitoring**

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

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

#### **Reporting Requirements of MS. PADILLA**

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

### **DURATION**

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

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

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

### **Monitoring**

3. **MS. PADILLA** 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. PADILLA's** history. **MS. PADILLA** shall self-administer prescribed drugs

only in the manner prescribed.

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

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

### **Permanent Narcotic Restriction**

**MS. PADILLA** shall not administer, have access to, or possess (except as

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

### **Permanent Practice Restrictions**

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

**MS. PADILLA** 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. PADILLA's suspension shall be lifted and MS. PADILLA's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. PADILLA** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. PADILLA** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. PADILLA** 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. PADILLA** has complied with all aspects of this Order; and (2) the Board determines that **MS. PADILLA** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. PADILLA** and review of the reports as required herein. Any period during which **MS. PADILLA** 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 **TONYA S. PADILLA** to surrender her licensed practical nurse license #P.N. 069966 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 15th day of May, 2009.

Motion adopted by majority of the Board members with Melissa Meyer abstaining.

Ross, Marc, J. R.N. 313007 (CASE #08-0328)

**Action:** It was moved by Johnnie Maier Jr., seconded by Patricia Burns, that upon consideration of the charges stated against **MARC J. ROSS** in the November 24, 2008 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. ROSS** 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. ROSS'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **MARC J. ROSS** to surrender his registered nurse license #R.N. 313007 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 15th day of May, 2009.

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

Watts, Branden, C. P.N. 122877 (CASE #08-0024)

**Action:** It was moved by Anne Barnett, seconded by J. Jane McFee, that upon consideration of the charges stated against **BRANDEN C. WATTS** in the March 17, 2008 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. WATTS** 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. WATTS'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. WATTS** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the Temporary Narcotic and Temporary Practice Restrictions set forth below.

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

1. **MR. WATTS** shall obey all federal, state, and local laws, and all laws and

rules governing the practice of nursing in Ohio.

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

### **Monitoring**

3. **MR. WATTS** 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. WATTS's** history. **MR. WATTS** shall self-administer the prescribed drugs only in the manner prescribed.
4. **MR. WATTS** shall abstain completely from the use of alcohol.
5. Prior to seeking reinstatement by the Board, **MR. WATTS** 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. WATTS** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MR. WATTS** 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. WATTS's** license, and a statement as to whether **MR. WATTS** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
6. **MR. WATTS** 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. WATTS's** license.
7. **For a minimum, continuous period of one (1) year immediately prior to seeking reinstatement, MR. WATTS** 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. WATTS'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 **MR. WATTS** shall be negative, except for substances prescribed, administered, or dispensed to

him by another so authorized by law who has full knowledge of **MR. WATTS's** history.

8. Within thirty (30) days prior to **MR. WATTS** initiating drug screening, **MR. WATTS** 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. WATTS**.
9. After initiating drug screening, **MR. WATTS** 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. WATTS** 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. WATTS** 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. WATTS** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

#### **Reporting Requirements of MR. WATTS**

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

### **DURATION**

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

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

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

### **Monitoring**

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

of **MR. WATTS's** history.

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

### **Treating Practitioners and Reporting**

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

### **Employment Conditions**

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

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

documentation directly to the Board.

13. **MR. WATTS** shall submit any and all information that the Board may request regarding his ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MR. WATTS** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MR. WATTS** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
16. **MR. WATTS** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
17. **MR. WATTS** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MR. WATTS** 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. If requested by the Board or its designee, prior to working as a nurse, **MR. WATTS** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

#### **Temporary Narcotic Restriction**

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

#### **Temporary Practice Restrictions**

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

**MR. WATTS** 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. WATTS's suspension shall be lifted and MR. WATTS's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MR. WATTS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MR. WATTS** via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, **MR. WATTS** 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. WATTS** has complied with all aspects of this Order; and (2) the Board determines that **MR. WATTS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MR. WATTS** and review of the reports as required herein. Any period during which **MR. WATTS** 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 **BRANDEN C. WATTS** to surrender his licensed practical nurse license #P.N. 122877 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 15th day of May, 2009.

Motion adopted by majority vote of the Board members with Melissa Meyer abstaining.

Duck, Deborah, A. P.N. 104302 (CASE #08-3977)

**Action:** It was moved by Patricia Burns, seconded by Kathleen Driscoll, that upon consideration of the charges stated against **DEBORAH A. DUCK** in the January 20, 2009 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. DUCK** 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. DUCK's** license to practice nursing as a licensed practical nurse is hereby suspended for a minimum period of two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. DUCK** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the Temporary Practice Restrictions set forth below.

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

1. **MS. DUCK** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. DUCK** 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. DUCK** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing nursing education taken subsequent to the effective date of this Order: one (1) hour of Ohio Nursing Law and Rules; six (6) hours of Ethics; and six (6) hours of Professionalism.

### **Monitoring**

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

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

#### **Reporting Requirements of MS. DUCK**

12. **MS. DUCK** shall sign release of information forms allowing health

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

13. **MS. DUCK** 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. DUCK** 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. DUCK** 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. DUCK** 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. DUCK** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. DUCK** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
19. **MS. DUCK** shall submit to a BCI criminal records check.

### **DURATION**

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

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

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

### **Monitoring**

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

12. **MS. DUCK** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. DUCK** 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. DUCK** 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. DUCK** 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. DUCK** 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. DUCK** shall verify that the reports and documentation required by this Order are received in the Board office.
18. **MS. DUCK** 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. If requested by the Board or its designee, prior to working as a nurse, **MS.**

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

### **Temporary Practice Restrictions**

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

**MS. DUCK** 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. DUCK's suspension shall be lifted and MS. DUCK's** license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MS. DUCK** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. DUCK** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. DUCK** 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. DUCK** has complied with all aspects of this Order; and (2) the Board determines that **MS. DUCK** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. DUCK** and review of the reports as required herein. Any period during which **MS. DUCK** 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 **DEBORAH A. DUCK** to surrender her licensed practical nurse license #P.N. 104302 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 15th day of May, 2009.

Motion adopted by Majority vote of the Board members with Anne Barnett and Melissa Meyer abstaining.

Cortese, Janine, A. R.N. 294341 (CASE #08-3223)

**Action:** It was moved by Kathleen Driscoll, seconded by Patricia Burns, that upon consideration of the charges stated against **JANINE ANN CORTESE** in the January 20, 2009 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. CORTESE** 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. CORTESE's** license to practice nursing as a registered nurse is hereby indefinitely suspended with the conditions for reinstatement set forth below, and that following reinstatement, **MS. CORTESE's** license shall be subject to the Permanent Practice Restrictions set forth below.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

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

**Reporting Requirements of MS. CORTESE**

4. **MS. CORTESE** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
5. **MS. CORTESE** 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. CORTESE** 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. CORTESE** 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. CORTESE** 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. CORTESE** shall verify that the reports and documentation required by this Order are received in the Board office.
10. **MS. CORTESE** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.
11. **MS. CORTESE** shall submit to a BCI criminal records check.
12. If requested by the Board or its designee, prior to working as a nurse, **MS. CORTESE** 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. CORTESE** submits a written request for reinstatement; (2) the Board determines that **MS. CORTESE** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. CORTESE** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. CORTESE** and review of the documentation specified in this Order.

### **Permanent Practice Restrictions**

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

**MS. CORTESE** 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.

The Board further Orders **JANINE ANN CORTESE** to surrender her registered nurse license #R.N. 294341 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 15th day of May, 2009.

Lowther, Wanda, K. R.N. 318469 (CASE #08-0178)

**Action:** It was moved by Eric Yoon, seconded by Judith Church, that upon consideration of the charges stated against **WANDA K. LOWTHER** in the September 22, 2008 Notice of Immediate Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. LOWTHER** 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. LOWTHER's** license to practice nursing as a registered nurse is hereby suspended for a minimum period of two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MS. LOWTHER** 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. LOWTHER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. LOWTHER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.

#### **Monitoring**

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

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

11. Prior to seeking reinstatement by the Board, **MS. LOWTHER** 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. LOWTHER** 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. LOWTHER's** license, and a statement as to whether **MS. LOWTHER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
12. **MS. LOWTHER** 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. LOWTHER's** license.

#### **Reporting Requirements of MS. LOWTHER**

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

### **DURATION**

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

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

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

### **Monitoring**

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

6. **MS. LOWTHER** 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. LOWTHER** 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. LOWTHER** 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. LOWTHER** 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. LOWTHER** 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. LOWTHER** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. LOWTHER** 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. LOWTHER** shall notify the Board.
11. **MS. LOWTHER** 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. LOWTHER** 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. LOWTHER** 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. LOWTHER**

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

#### **Permanent Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

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

**MS. LOWTHER** 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. LOWTHER's** suspension shall be lifted and **MS. LOWTHER's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. LOWTHER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. LOWTHER** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. LOWTHER** 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. LOWTHER** has complied with all aspects of this Order; and (2) the Board determines that **MS. LOWTHER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. LOWTHER** and review of the reports as required herein. Any period during which **MS. LOWTHER** 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 **WANDA K. LOWTHER** to surrender her registered nurse license #R.N. 318469 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 15th day of May, 2009.

Motion adopted by majority vote of the Board members with Melissa Meyer abstaining.

Riems, John, R. R.N. 198838 (CASE #08-0139)

**Action:** It was moved by Janet Boeckman, seconded by J. Jane McFee, that upon consideration of the charges stated against **JOHN R. RIEMS** in the January 27, 2009 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. RIEMS** 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. RIEMS'S** license to practice nursing as a registered nurse is hereby **PERMANENTLY REVOKED**.

The Board further Orders **JOHN R. RIEMS** to surrender his registered nurse license #R.N. 198838 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 15th day of May, 2009.

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

Collins, Dara, L. R.N. 321443 (CASE #08-2209)

**Action:** It was moved by Judith Church, seconded by Janet Boeckman, that upon consideration of the charges stated against **DARA L. COLLINS** in the September 22, 2008 Notice of Automatic Suspension and Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. COLLINS** 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. COLLINS'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. COLLINS** 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. COLLINS** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. COLLINS** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **MS. COLLINS** shall comply with the terms, conditions, and limitations imposed on **MS. COLLINS's** nursing license by the Order of the Kentucky Board of Nursing. Prior to seeking reinstatement by the Board, **MS.**

**COLLINS** shall submit satisfactory documentation from the Kentucky Board of Nursing that **MS. COLLINS** has successfully complied with all terms, conditions, and limitations imposed on **MS. COLLINS's** Kentucky nursing license.

### **Monitoring**

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

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

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

#### **Reporting Requirements of MS. COLLINS**

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

### **DURATION**

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

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

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

### **Monitoring**

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

law who has full knowledge of **MS. COLLINS's** history.

6. **MS. COLLINS** 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. COLLINS** 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. COLLINS** 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. COLLINS** 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. COLLINS** 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. COLLINS** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. COLLINS** 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. COLLINS** shall notify the Board.
11. **MS. COLLINS** 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. COLLINS** 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. COLLINS** 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. COLLINS**

12. **MS. COLLINS** shall sign releases of information forms allowing health

- professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. COLLINS** 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. COLLINS** 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. COLLINS** 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. COLLINS** 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. COLLINS** shall verify that the reports and documentation required by this Order are received in the Board office.
  18. **MS. COLLINS** 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. If requested by the Board or its designee, prior to working as a nurse, **MS. COLLINS** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

#### **Permanent Narcotic Restriction**

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

#### **Permanent Practice Restrictions**

**Unless otherwise approved in advance by the Board or its designee, MS. COLLINS** 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. COLLINS** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**Unless otherwise approved in advance by the Board or its designee, MS. COLLINS** 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. COLLINS's suspension shall be lifted and MS. COLLINS's** license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. COLLINS** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. COLLINS** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. COLLINS** 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. COLLINS** has complied with all aspects of this Order; and (2) the Board determines that **MS. COLLINS** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. COLLINS** and review of the reports as required herein. Any period during which **MS. COLLINS** 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 **DARA L. COLLINS** to surrender her registered nurse license #R.N. 321443 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 15th day of May, 2009.

Motion adopted by majority vote of the Board members with Mellissa Meyer abstaining.

## **MONITORING**

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

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

Sohl, Sandra, L. P.N. 125450 (CASE #05-2797); Morgan, Rachel, J. R.N. 337140 (CASE #07-1983); Beckrest, Amber, M. P.N. 124886 (CASE #08-0449); Goetz, Jennifer, N. R.N. 288935 (CASE #07-3255); Phelan, Edward, W. P.N. 117733 (CASE #08-0892); Akil, Naim, P.N. 128560 (CASE #07-2575); Mounts, Barbara, L. R.N. 194937 (CASE #08-2210); Shaffer, Jody, N. P.N. 102245 (CASE #03-1606); and Hutchins, Lisa, M. R.N. 338622 (CASE #07-2369).

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

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

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

Shoemaker, Tara, I. P.N. 127955 (CASE #07-1161); Gooch, Lydia, J. P.N. 110232 (CASE #06-1713); and Hawthorne, Annie, R. P.N. 077366 (CASE #06-2786).

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

### **LIFTS OF SUSPENSION/PROBATION - PERMANENT PRACTICE RESTRICTION(S) REMAINS**

**Action:** It was moved by Bertha Lovelace, seconded by Judith Church, that the following, having met the terms and conditions of their consent agreements or adjudication orders with the Board, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released from their consent agreements or adjudications order with exception of the permanent practice restriction(s) that will remain in effect:

Coleman, Adrienne, P.N. 118629 (CASE #05-0762); Stanley, Cheriece, M. D.T. 02685 (CASE #06-2099); Jackson, Frances, L. R.N. 137726 (CASE #05-0214); and Butcher, Kimberly, D. R.N. 229820 (CASE #04-0620).

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

**LIFTS OF SUSPENSION/PROBATION – EARLY RELEASE – PERMANENT NARCOTIC RESTRICTIONS REMAIN**

**Action:** It was moved by Janet Boeckman, seconded by Judith Church, 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 early from the terms and conditions of their consent agreements or adjudication orders with the exception of the permanent narcotics restriction(s) that will remain in effect:

Osburn, Angie, M. R.N. 306147 (CASE #06-2359).

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

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

**Action:** It was moved by Patricia Burns, seconded by Kathleen Driscoll, that the following, having met the terms and conditions of their consent agreements or adjudication orders with the Board, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released early from their consent agreements or adjudications order with the exception of the permanent work restriction(s) that will remain in effect:

Osborne, Christopher, A. P.N. 113852 (CASE #07-1310).

Motion adopted by majority vote of the Board members with Anne Barnett, and Melissa Meyer 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:

Copley, Michelle, L. R.N. 306814 (CASE #08-0065); Kline, Maria, S. R.N. 246138 (CASE #07-2914); Hnida, Jennifer, L. R.N. 299842 (CASE #08-0585); Smathers, Flynt, J. R.N. 342798 (CASE #08-0411); Vance, Lynette, A. R.N. 275778 (CASE #07-2911); Kidd, Robert, J. R.N. 284386 (CASE #08-0387);

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

### **LIFT TEMPORARY PRACTICE RESTRICTION ONLY TO CURRENT POSITION**

**Action:** It was moved by Patricia Burns, seconded by Kathleen Driscoll, that the following, with the recommendation by Anne Barnett, Supervising Member for Disciplinary Matters, be released from the temporary practice restriction within their consent agreements, specific ONLY to her position with Crossroads Hospice.

Gill, Debra, R.N. 264270 (CASE #07-2733).

Motion adopted by majority vote of the Board members with Anne Barnett and Melissa Meyer abstaining

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

**Action:** It was moved by Janet Boeckman, seconded by J. Jane McFee, that the Board reinstate Brown, Tamara, D. P.N. 089302 (CASE #07-1330), subject to the terms of the January 2008 adjudication order.

Motion adopted by majority vote of the Board members with Anne Barnett and Melissa Meyer abstaining

## **REPORTS TO THE BOARD**

### **Board Committee Reports**

#### **Practice Committee**

J. Jane McFee reported on the May 14, 2009 meeting of the Practice Committee. The Committee discussed IV Therapy administration by LPNs. The Committee recommended changing the minimum age, clarifying the use of sterile water, establishing a maximum length for the catheter, including provisions for emergencies, allowing for aspiration, and using certain terminology for antibiotics and anti-infectives. J. Church volunteered to conduct a literature review regarding the minimum age or weight requirements. The Board agreed by general consensus to pursue statutory changes, and make the administrative rule changes that are possible prior to amending the statute. J. McFee noted that the Committee has completed its work and no additional meetings are scheduled.

### **Open Forum – Thursday, May 14, 2009**

Jan Lanier, representing the Ohio Nurses Association (ONA), addressed the Board regarding the possibility of advanced practice nurses being authorized to delegate medication administration to medical assistants. She provided a handout to clarify the position of ONA and to express significant concerns.

## **Open Forum – Friday, May 15, 2009 – No Participants**

### **Advisory Group Reports**

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

E. Yoon reported on the CPG meeting held on May 11, 2009. The Committee discussed a plan to reformat the APN Formulary. Also discussed was the frequency of drug review. He reported that the Committee anticipates the introduction of a bill that would expand the advanced practice nurses authority to prescribe Schedule II drugs.

#### **Board Committee for CPG Appointments**

J. Boeckman, B. Lovelace, and E. Yoon volunteered to serve on the Committee for CPG Appointments, The Committee will meet on Thursday July 23, 2009 at noon to review and make a recommendation for the Certified Nurse Midwife member.

### **Other Reports**

#### **Administrative Hearings**

Holly Fischer and Lisa Ferguson-Ramos presented a proposal to establish a Board Administrative Hearing Committee. Staff researched alternative methods to conduct administrative hearings, both to increase efficiencies and decrease costs. The proposal for consideration is to utilize a committee of the Board to conduct hearings, in selected non-complex cases. H. Fischer reviewed the legal requirements for hearings under the Ohio Administrative Procedure Act, the use of a Board Administrative Hearing Committee to conduct hearings, and the cost savings.

The Board discussed the composition of the Committee, the time commitment and scheduling, alternate members, conducting the hearings, and training. L. Klenke recommended that the training be provided for all Board members. It was agreed that the training would occur at the July Board meeting on July 24, 2009 from noon to 1:30 p.m. The Board agreed to implement the hearing committee and evaluate the process in November.

**Action:** It was moved by Patricia Burns, seconded by Kathleen Driscoll, that discussion on this topic be extended for fifteen minutes. Motion adopted by unanimous vote of the Board members.

The Board also discussed requiring the licensee to pay for the costs of their hearing. The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board requires that if a licensee requests a hearing, the licensee is responsible for the cost of the hearing upon being sanctioned by the Board. Staff will research the use of administrative fees and provide the information to the Board.

**Action:** It was moved by Janet Boeckman, seconded by J. Jane McFee, that the Board appoint the Board Administrative Hearing Committee composed of the President, Vice-President and Consumer Member through 2009, with Bertha Lovelace serving as the alternate Committee member. Motion adopted by unanimous vote of the Board members.

## **GENERAL INFORMATION (FYI)**

L. Klenke reviewed the General Information items and asked if Board members had questions

## **BOARD GOVERNANCE**

### **Delegates/Alternates for NCSBN Annual Meeting and Delegate Assembly**

The Board agreed by general consensus that President Lisa Klenke and Vice-President J. Jane McFee will serve as the Ohio Delegates at the 2009 NCSBN Delegate Assembly. NCSBN will provide the funding for the delegates to attend the meeting. NCSBN will also provide the funding for B. Houchen to attend as a member of the NCSBN Board of Directors, as well as L. Emrich as the Chair of the TERCAP Committee. In addition, the Board requested and was approved for additional funding from the NCSBN resource fund to send the Board Management Team to the meeting for recognition and acceptance of the 2009 NCSBN Regulatory Achievement award.

### **Executive Order 2009-07S**

Joseph Kirk provided the Board with an updated Travel Expense Report that includes the \$0.45/mile reimbursement rate, effective May 1, 2009, as specified by the Executive Order. He also provided updated copies of the Board policies and Chapter 4723. of the Ohio Administrative Code.

## **EVALUATION OF MEETING AND ADJOURNMENT**

The Board thanked the staff for the work they do each and every day, and again stated how proud they are to have been selected to receive the NCSBN Regulatory Achievement Award.

L. Klenke asked that it be noted that no representative from the Attorney General's office was present during the public meeting, and no Assistant Attorney General attended to respond to licensee George Morgan after he addressed the Board regarding his Hearing Report and Recommendation. She noted that the motion table, agendas, and all agenda materials were forwarded to the Attorney General's Office prior to the Board meeting.

The meeting adjourned on May 15, 2009 at 11:45 a.m.

Lisa Klenke, MBA, RN, CNAA  
President

Handwritten signature of Lisa R. Klenke in cursive script.

Attest:

Betsy Houchen, RN, MS, JD  
Secretary

Handwritten signature of Betsy J. Houchen in cursive script.