

## OHIO BOARD OF NURSING

### MINUTES OF MEETING

#### REGULAR MEETING OF THE BOARD SEPTEMBER 21-22, 2006

The regular meeting of the Ohio Board of Nursing (Board) was held on September 21-22, 2006 at the Board office located at 17 South High Street, Suite 400, Columbus, Ohio, 43215. The President, Vice-President, and Executive Director reviewed the agenda prior to the meeting.

On Wednesday, September 20, 2006 beginning at 1:30 p.m. an orientation was held for new Board member, Patricia Burns, at the Board office.

On Thursday, September 21, 2006, at 9:07 a.m., President Cynthia Krueger called the Board meeting to order in open session. At 3:45 p.m. the Board adjourned to deliberate on cases before the Board.

On Friday, September 22, 2006, at 9:10 a.m., President Cynthia Krueger called the Board meeting to order in open session. Vice-President Teresa Williams read the Board mission statement each day.

#### BOARD MEMBERS

Cynthia Krueger, RN, MSN, President

Teresa Williams, LPN, Vice-President

Anne Barnett, BSN, RNC, CWS

Janet L. Boeckman, RN, MSN, CPNP

Judith Brachman, Consumer Member (absent Friday afternoon)

Debra Broadnax, MSN, RN, CNS

Patricia Burns, LPN

Elizabeth Buschmann, LPN

Kathleen Driscoll, JD, MS, RN

Lisa Klenke, MBA, RN, CNA-A

Bertha Lovelace, RN, BA, CRNA, Supervising Member, Disciplinary Matters (absent part of Friday afternoon)

J. Jane McFee, LPN

Kathleen O'Dell, RN, M.ED, NCSN

Unless noted in these minutes as exhibits, all written reports submitted to the Board shall be maintained on file in the Board office according to the Board records retention schedule.

## **ADMINISTRATIVE MATTERS**

### **Board Meeting Overview**

- President Krueger reported that on Wednesday, September 20, 2006 beginning at 1:30 p.m. an orientation was held for new Board member, Patricia Burns, at the Board office.
- On Thursday, President Krueger reported that at 8:30 a.m. a Board Reception was held. Open Forum was rescheduled from Friday to Thursday at 10:00 a.m. as requested by National Nurses Organizing Committee (NNOC) representatives. To follow, a presentation by the Chamberlain College of Nursing on-line education program is scheduled. At 1:30 p.m. Attorney Jim McGovern is scheduled to address the Board for Sandra Sohl regarding the Hearing Examiner's Report & Recommendation. A noon meeting of the Board Committee on Practice is scheduled with a report to follow. At 3:30 p.m., an Executive Session is scheduled after which the Board will deliberate on disciplinary cases.
- On Friday, at 8:00 a.m. a presentation by Assistant Attorney General Greg Perry and a noon meeting of the Board Committee for the Ohio Center for Nursing with a report to follow are scheduled.
- In addition, on Thursday, September 21, 2006 and Friday, September 22, 2006, President Krueger recognized students, welcomed the gallery, and requested Board members to introduce themselves and indicate their practice areas and hometowns.

### **Minutes of July 20-21, 2006 Board Meeting**

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY ELIZABETH BUSCHMANN, THAT THE MINUTES OF THE JULY 20-21, 2006 BOARD MEETING BE APPROVED, AS SUBMITTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

### **Executive Director Report**

The Board received the written Executive Director Report and B. Houchen highlighted the report and answered questions.

#### *Combined Charitable Campaign (CCC)*

B. Houchen thanked L. Halliburton and T. Notturiano, who volunteered to be this year's CCC coordinators. The campaign kicked-off on September 6, 2006 and by September 8<sup>th</sup> the Board exceeded its goal of \$8, 564! The goal was reached largely by payroll deductions. B. Houchen thanked the staff for their contributions.

*National Council of State Boards of Nursing (NCSBN)*

B. Houchen stated she was pleased to announce two Board staff were appointed to NCSBN committees: E. Brown, Disciplinary Resources Advisory Panel; and L. Emrich, to Chair the TERCAP Task Force.

*ODJFS Consumer Directed Care*

ODJFS (Ohio Department of Jobs and Family Services) convened a group of consumers, advocates, and provider organizations to discuss the development of a consumer-directed waiver for the ODJFS-administered Medicaid waiver program. H. Fischer and L. Emrich attended the first of a series of proposed meetings. The Board is awaiting additional information from ODJFS about their legal analysis and authority for the development of a consumer directed waiver, which will be provided to the Board when received.

*Presentations*

B. Houchen provided a Board update for the Ohio Organization of Nurse Executives (OONE) on July 28, 2006. H. Fischer presented for the Annual Conference of the Ohio Association of Ambulatory Surgery Centers, regarding "The Investigation of Nurses and the Outcome" on September 14, 2006 at Cherry Valley Lodge in Newark, Ohio. S. Milne and L. Halliburton also provided various presentations as noted in later sections of the report.

*Pandemic Flu Planning*

Board staff are working with other state agencies in planning for the Pandemic Flu. L. Emrich and L. Halliburton are attending Medical Surge Committee meetings convened by the Ohio Department of Health. The group established a subcommittee for regulatory boards to discuss practice and delegation. H. Fischer is attending meetings convened by the Department of Public Safety to discuss the mechanics of implementing Executive Orders or legislation as necessary to address emergency situations.

B. Houchen updated the Board about the Pandemic Flu discussions regarding scopes of practices and delegation. The discussion has been to look at delegation rather than expanding scopes of practice if there is an emergency situation. Each Board has been asked to review what tasks cannot be delegated under current law and whether the tasks might be delegated under a declared emergency. For the Board, one example may be administration of medications. There have been discussions about preparing and training individuals prior to an emergency situation. The Medical Reserve Corps, who already handles training and maintains rosters of individuals volunteering to work in emergencies, could be the organization that would provide training and maintain lists of qualified individuals. B. Houchen and L. Emrich answered questions of the Board for clarification. B. Houchen stated that they would keep the Board updated on future meetings.

### *Media Report*

Attached was an article from *The Enquirer* (Cincinnati) published August 13, 2006. The reporter contacted the Board to ask what was being done about the nursing shortage. B. Houchen spoke with the reporter about the Board activities and programs such as the Nurse Education Grant Program; the Nurse Education Assistance Loan Program; expediting the licensure process to issue licenses to qualified applicants so they can become practitioners as quickly as possible; issuing temporary permits for those licensed in other states and wanting to endorse into Ohio, which also expedites the process of licensure; and the Nursing Rewards web site that links interested individuals to information about nursing and education programs.

### *Patient Safety Discussion Forum*

L. Emrich contacted the Ohio Department of Health staff in July 2006, concerning the continuation of the Patient Safety Discussion Forum (PSDF) and was informed that Director Baird planned to continue convening the group, and that the PSDF was expected to meet again in the fall. As of the date of this report, a meeting has not been scheduled.

### *Fiscal*

As agreed at the July Board meeting, the fiscal report will be provided at the end of each quarter of the fiscal year. The report for the first quarter of fiscal year 2007 will be provided at the November 2006 Board meeting.

### *Audit*

Representatives from the Auditor's Office conducted a routine audit of Board operations for SFYs 2004 through 2006. The Board received the final report and the staff is pleased to report the auditors found "no instances of noncompliance or internal control weaknesses" and the audit "did not result in the identification of any material noncompliance or reportable conditions in internal control that required inclusion in the statewide report...."

### *NEALP Reports*

Staff members R. Booker and S. Thacker and Board member J. Brachman met with NEALP representatives to discuss awards and disbursements. They found that when reports are provided at every Board meeting, the NEALP report reflects information previously provided and the information can become confusing. The staff recommended that the NEALP reports correspond to the NEALP award or disbursement periods. Therefore, there would be a report at the November and March Board meetings. J. Brachman added that additional information would be provided in a different format.

### *Legislation*

B. Houchen reported that OAAPN (Ohio Association of Advanced Practice Nurses) requested to meet with Board staff to discuss OAAPN's legislative proposal to expand prescriptive authority for Schedule II controlled substances. Currently APNs

can prescribe for terminally ill patients for a twenty-four hour period when initiated by the collaborating physician. L. Emrich, S. Milne, C. Snyder and B. Houchen met with OAAPN representatives on August 23, 2006. OAAPN is in the initial stages of meeting with interested parties. B. Houchen reported that she recently received an e-mail reporting that OAAPN is continuing to meet with interested parties, boards, and associations through October. The Board staff will continue to work and meet with OAAPN regarding this initiative.

There was little state legislative activity over the summer months. At present, the legislature plans to return for voting sessions after the election.

Communications continue with Representative Larry Flowers (R-Canal Winchester) regarding proposed revisions to the Nurse Practice Act. Board staff provided Representative Flowers with a letter identifying the proposed amendments and a request for the Legislative Services Commission to draft legislative language. A copy of the letter was attached to the report for the Board's review. A sponsor of the legislation will be identified with the assistance of Representative Flowers.

B. Houchen reported that LPNAO notified her that Senator Clancy has agreed to add their amendments in SB 213, but it is uncertain whether or not the bill will move in this session.

The Board reviewed the Legislative Status Report, as of August 15, 2006, submitted by staff member C. Snyder. The chart included the bill number, sponsor, title/subject, significance, status and relevant information. C. Snyder highlighted the report and answered questions. She referred to HB 595, to clarify a question asked during the last meeting.

#### *Administrative Rules*

Staff continued to review and revise chapters of the Administrative Code as identified on the agenda. Meetings were held with representatives of ONA and LPNAO to discuss the chapters. Additional changes are proposed based on those discussions. A public hearing is planned for November 15, 2006 after the rules are filed with JCARR in October. Following the public hearing, the Board may recommend additional changes and revisions. The target effective date for these rules is February 1, 2007.

#### *Medication Aides*

B. Houchen provided an update on the certified medication aides. As of September 6, 2006, nine students have completed a Medication Aide Training Program. Three students were scheduled to take the written and skills examination on September 8, 2006. At this time, no applications have been submitted for certification. B. Houchen added that ONA informed the Board that one of their legislative initiatives is to extend the time period for the Pilot Program due to the few number of participants and the short time left to collect data needed for the final report.

*Licensure and Renewal*

B. Houchen acknowledged a busy period over the past few months in the licensure and renewal areas. She thanked all of the staff in those areas for working very hard during this busy time.

**Executive Session**

On Thursday, September 21, 2006:

IT WAS MOVED BY TERESA WILLIAMS, THAT THE BOARD GO INTO EXECUTIVE SESSION TO CONSIDER THE EMPLOYMENT OR DISCIPLINE OF PUBLIC EMPLOYEE(S), AND TO DISCUSS PENDING AND IMMINENT COURT ACTION WITH LEGAL COUNSEL. MOTION ADOPTED BY A UNANIMOUS ROLL CALL VOTE OF THE BOARD MEMBERS.

On Thursday, September 21, 2006:

IT WAS MOVED BY TERESA WILLIAMS, THAT THE BOARD RETURN FROM EXECUTIVE SESSION AND ADJOURN FOR THE DAY. MOTION ADOPTED BY A UNANIMOUS ROLL CALL VOTE OF THE BOARD MEMBERS.

Following Executive Session, the Board deliberated on disciplinary matters before the Board.

**NEW BUSINESS**

**Administrative Code Rules - Five Year review**

B. Houchen reviewed the process for the five-year review rules and the other rule chapters being considered by the Board for amendment. The rule chapters and cover memos identifying the proposed changes and rationale were distributed to the Board in the mailings. She thanked staff for their work in preparing the proposed rules: L. Emrich, H. Fischer, N. Selders, C. Snyder, K. Hill, and S. Milne. L. Ferguson-Ramos has also reviewed the rules, particularly the discipline aspects of each chapter.

The Board discussed the public hearing and indicated that the full Board plans to attend the rules hearing on Wednesday, November 15, 2006 to be held in the Board meeting room at 1:00 p.m.

**Chapter 4723-13 Delegation by Licensed Nurses**

The Board reviewed OAC Chapter 4723-13 as revised based upon discussions during the July Board meeting and discussions with representatives of ONA and LPNAO. A hardcopy was distributed reflecting the proposed changes. Staff members L. Emrich and C. Snyder highlighted the revisions. The substantive proposed changes are below. The Board reviewed each rule and by general consensus, agreed with the changes as proposed and discussed.

Staff explained that they tried to make the concept of delegation clearer in the rules. An important concept of delegation is that in daily practice, the delegation process is continuous. While one nurse initially delegates a nursing task, with each change of nurses or shifts, the “new” nurse becomes the delegating nurse because she is responsible for the assigned patients. Therefore, although it may not be something that is thought about, stated, or discussed each time, what occurs is that the “new” nurse becomes the nurse who makes decisions whether to continue the delegation or discontinue the delegation based on changing circumstances, i.e., patient condition, etc. In this way, the oncoming nurse becomes the delegating nurse for her shift and is accountable for the delegation while the original delegating nurse is not working.

Throughout the chapter, staff reviewed each paragraph to appropriately identify the nurse as either the “licensed” nurse or the “delegating” nurse and made revisions accordingly. Also, to further clarify this concept, staff proposed adding a definition of “delegating nurse.”

Another major change was deleting the draft language that would have allowed APNs to delegate the administration of medications to unlicensed persons in certain settings.

#### 4723-13-01 Definitions.

- Added a definition of “delegating nurse.”
- Deleted the definition of ICF/MR because it is not used in this chapter.

J. Brachman recommended inserting the word “otherwise” where “delegating to an individual who “otherwise” does not have the authority to perform the task” in paragraph (C). The Board agreed with this revision.

#### 4723-13-02 General information.

Inserted “Title 47” at the end of the second paragraph of (B) to cover all applicable medical personnel with authority under Title 47.

#### 4723-13-03 Prohibitions.

The Board recommended adding to paragraph (B), “or otherwise legally authorized.” The Board agreed by consensus to make this revision.

#### 4723-13-04 Criteria and standards for a licensed nurse delegating to an unlicensed person.

- Deleted supervision from paragraph (G) because it is covered in rule 4723-13-07.
- Returned to “licensed nurse” in paragraph (H) so it is clear that any nurse who observes a delegated nursing task being performed incorrectly is expected to intervene.
- Deleted paragraph (I) because prior language addresses its content.

4723-13-07 Supervision of the performance of a nursing task performed by an unlicensed person.

Deleted the last part of paragraph (C) because the requirement of direct and indirect supervision is already stated in the beginning of the paragraph.

**Chapter 4723-14 Continuing Education**

The Board reviewed OAC Chapter 4723-14 as revised based upon discussions during the July Board meeting and discussions with representatives of ONA and LPNAO. A hardcopy was distributed reflecting the proposed changes. Staff members N. Selders and C. Snyder highlighted the proposed changes. L. Klenke also discussed changes based on the Continuing Education Advisory Group meeting. The substantive proposed changes are below. The Board reviewed each rule and by general consensus, agreed with the changes as proposed and discussed.

4723-14-03 Continuing education requirement for licensed nurses.

- In paragraphs (A)(2) and (A)(3), revised originally proposed language for clarity.
- In paragraph (E)(2) proposed to add the second sentence requiring the identification of the learning objectives if a continuing education activity is designed to meet the requirements of (a) through (e).
- In paragraph (H) inserted “up to” before “forty-eight” in line 3, as this would be applicable.

Staff recommended, for consistency, to refer to “Category A continuing education” when appropriate. The Board agreed with this revision.

LPNAO raised a question about continuing education requirements. The rules, as proposed, allow the same CE hours, when obtained within the appropriate timeframe, to meet the requirements for reactivation (or reinstatement) and renewal. The question is whether “dual use” of continuing education should be allowed or whether the applicant should be required to obtain separate hours for reactivation (or reinstatement) and renewal.

The Board agreed by general consensus to proposed language for paragraph (E)(3) as follows: “The continuing education required by this paragraph shall be used only for the purpose of reactivating an inactive license, or reinstating a lapsed license, and shall not be applied toward the continuing education required for renewal of a license in accordance with paragraph (A) of this rule.”

It was also recommended by LPNAO to require endorsement applicants to obtain two hours of Category A continuing education before receiving a full license (the two hours would not be required to issue a temporary license).

Assistant Attorney General K. Bockbrader questioned the Board’s statutory authority to add this requirement and requested additional time for review of the statute. The

Board agreed by general consensus to the requirement of two hours of Category A continuing education for endorsement applicants to obtain a full license, if the Assistant Attorney General determines the Board has the statutory authority to proceed.

4723-14-05 Education activities that do and do not meet the continuing education requirement.

In paragraph (B)(9), added a reference to ORC Section 4723.282 (PIIP). This rule addresses that the continuing education required for discipline purposes cannot be used to meet the continuing education requirements for renewal and with the proposed addition, the same would apply to continuing education obtained by participants of PIIP.

4723-14-07 Verification of compliance with the continuing education requirements.

In paragraph (C) added language to require documentation of the learning objectives added in 4723-14-03(E).

4723-14-11 Termination of OBN approver status.

K. Bockbrader noted in 4723-14-11(C) it should state “may” instead of “shall,” “propose to terminate” in order to provide discretion to the Board. Accordingly, the Board recommended revisions in paragraph (C) as follows: “When an OBN approver fails to maintain the requirements set forth in this chapter, the board may propose to terminate the OBN approver status. A Board proposal to terminate OBN approver status shall be pursuant...”

4723-14-12 OBN approver policies and statements.

J. Brachman stated that the language did not address OBN Approvers reviewing the content of a continuing education activity, and the only review was of the process. L. Klenke and N. Selders stated that this has been raised as an issue in the Continuing Education Advisory Group. Following discussion, the Board agreed by general consent to add additional language in paragraph (A)(4) (b) to address this concern.

4723-14-15 Approval of a faculty-directed continuing education activity.

In paragraph (A)(2) added language to include an LPN on a planning committee if the continuing education activity is planned to include LPNs.

**Chapter 4723-18 PIIP**

The Board reviewed OAC Chapter 4723-18 as revised based upon discussions during the July Board meeting and discussions with representatives of ONA and LPNAO. A hardcopy was distributed reflecting the proposed changes. Staff members L. Emrich and C. Snyder highlighted the revisions. The substantive proposed changes are below. The Board reviewed each rule and by general consensus, agreed with the changes as proposed and discussed.

Throughout Chapter 18

Deleted medication aides and certified community health workers.

4723-18-04 Provisions of the participatory agreement for the practice intervention and improvement program (PIIP).

The Board asked that the word “successfully” be added to paragraph (A)(15).

4723-18-06 Requirements for educational providers.

In paragraph (E) added that an education provider who establishes an educational intervention for an individual employee is not required to provide six months notice of termination of the activity.

4723-18-07 Standards and procedures for remediation.

It was suggested by K. Bockbrader that “Board Supervising Member” (BSM) be incorporated consistently to clarify the BSM and the Board roles. The Board agreed by general consensus for staff to make this change where appropriate throughout this chapter.

4723-18-08 Standards and procedures for workplace monitoring.

In paragraph (F)(3) revised the language so that the five-year experience requirement for a workplace monitor also applies to an advanced practice nurse who monitors another advanced practice nurse.

**Chapter 4723-5 Pre-licensure Nursing Education**

The Board reviewed OAC Chapter 4723-5 as revised based upon discussions during the July Board meeting and discussions with ONA and LPNAO representatives. Staff members L. Emrich and C. Snyder highlighted the revisions. The substantive proposed changes are below. The Board reviewed each rule and by general consensus, agreed with the changes as proposed and discussed.

Throughout Chapter 5

Revisions throughout the chapter include the replacement of “professional nursing education program” with “registered nursing education program;” the insertion of “a representative of the Board” as appropriate to differentiate between staff activity and Board actions; and the use of “meet and maintain” since this is the terminology used throughout the rules.

4723-5-01 Definitions.

- Staff proposed to define “current, active license” to mean an unrestricted license. This would become effective on the effective date of this chapter so the requirement would not apply retroactively.
- In paragraph (R) proposed to delete the last part because the purpose of the definition is to define the experience, not the setting. If the program provides laboratory experience, it can be provided in any setting.

- In paragraph (T), deleted “clinical” to better differentiate this definition from “clinical experience” here and throughout the chapter.
- In paragraph (Z), revised to include “a program completion letter” to recognize that some programs allow “direct entry” for individuals with non-nursing undergraduate degrees. These individuals complete the nursing pre-licensure program requirements, prior to receiving a conferred nursing degree and therefore the Board recognizes the program completion letter for the purpose of determining the individual’s eligibility for initial licensure.
- In paragraph (CC), addressed the change of “professional” to “registered” nursing program.
- In the previous version, attempts were made to develop a definition of “full-time” and to add full-time to the required qualifications for program administrators and associate program administrators in rules 4723-5-10 and 4723-5-11. Many attempts were made to craft a satisfactory definition including referencing “academic year.” All attempts proved unworkable. In addition, there is a question of applying a new standard retroactively to faculty and personnel hired prior to the effective date of the revised rule and questions were raised regarding the need for this change. Based on these reasons, Board staff are not proposing a new definition or related changes in rules 4723-5-10 and 4723-5-11 at this time. Board staff suggests this issue be considered for the next review period for this chapter to allow time for additional Board discussion and consideration.
- The Board suggested and agreed by general consensus to add “who require nursing care” to the end of the definition of “Clinical experience” in paragraph (F) and to add the word “licensed” before practical nurse in paragraph (X).

4723-5-02 General Information.

Deleted paragraph (A) because the intent is covered throughout the requirements set forth in this chapter.

4723-5-04 Procedure for board determination of an approved program’s approval status.

- The title is revised to more accurately reflect the content of the rule.
- In paragraph (A)(3) the language now specifies that the Board may reconsider a program’s provisional status at any point the program demonstrates it meets the requirements of the chapter. The current language implies that the provisional status cannot be reconsidered until after the time period specified by the Board has expired.
- Deleted paragraph (B)(1) since similar language and content appear in paragraph (I) of rule 4723-5-08.
- In paragraph (B)(2), added sentence to be consistent with (A)(3) in this rule.

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE BOARD CONTINUE DISCUSSION FOR NINETY MINUTES. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

4723-5-05 Program reports to the board.

- In paragraph (A)(4) substituted the word “locations” for “sites” because “sites” suggests clinical experience and this paragraph refers to the theory components of a program.
- Deleted paragraph (D) since the subject is addressed in paragraph (B).

4723-5-06 Survey visits, reports, and response by the administrator of a program to a survey report.

- In paragraph (A) added that survey visits may be made to the program and any or all of its locations, to reflect the Board discussion about making site visits to locations of the program.
- In paragraphs (B)(1) and (2) added language to provide a means to obtain comments from faculty and students at all locations since site visits may not be made to all locations of a program. This was discussed and recommended by the Nursing Education Advisory Group.

4723-5-08 Requirements for a program seeking conditional approval.

- Revised the title to better indicate the content of the rule.
- Revised paragraph (A) to clarify that a program seeking Board approval is required to obtain approval, authorization, or accreditation by an entity listed, but it is not needed prior to obtaining Board approval. The two processes may occur simultaneously.
- In paragraph (A)(6) clarified that other regional or national accreditation entities must be recognized by the Board.
- In paragraph (B)(1)(d) added that a letter of intent identify potential sites for clinical experience.
- In paragraph (D)(3) added language specifying that a new program proposal must document it has or will have approval, authorization, or accreditation from a designated entity.
- In paragraph (G) deleted the last sentence, and what were previously subparagraphs are now paragraphs (H) and (I). The last clause in (G)(1) is now paragraph (J).
- Paragraph (I) addresses the action if the Board would propose to deny conditional approval.
- In the previous draft, language to address programs with multiple locations was proposed as paragraph (M). This paragraph is now re-lettered as (P). A timeframe was added to (P)(1) and a requirement to submit a list of clinical sites is added as (P) (3), as discussed at the last Board meeting.

4723-5-09 Organization and administration of the program.

- In paragraph (B)(7) proposed to add language requiring a faculty/teaching assistant to student ratio lower than 1 to 10 in clinical settings where it is necessary to ensure safety, as discussed at the last Board meeting.

- In paragraph (B)(10) the language revises the action required if a program administrator submits an incorrect program completion letter. Because the Board is relying on the accuracy of these documents to issue licenses, Board staff is proposing that a corrective action plan be submitted to the Board upon the submission of one erroneous letter, not two.
- The previous draft added new language in paragraph (C)(1) addressing programs with more than one location. A concern was raised by the Nursing Education Advisory Group that requiring an associate administrator at each program location could be unnecessary for certain programs, especially in some rural areas, because the program administrator was in close proximity and covers both locations. Therefore, the proposed language would require a registered nurse associate administrator if the location is more than sixty miles from the program.

The Board discussed that there may be some instances where programs less than sixty miles away should also have associate administrators depending on the average student census at program locations, the total number of locations, geographic proximity of locations and the approval status of the program. The Board agreed by consensus to add a provision to reflect this requirement.

- Paragraph (D)(2) revises the requirements when the program administrator will be absent from the program for longer than thirty consecutive business days. Concerns have been raised about the ability of programs to comply with the existing requirement of finding a qualified replacement within thirty days, so it is proposed to allow for the appointment of an interim program administrator for a limited time period.

4723-5-10 Qualifications of administrative, faculty, and instructional personnel for a registered nursing education program.

- In paragraph (A)(2) for purposes of consistency, proposed to delete “assistant” and keep “associate” administrator.
- In paragraph (A)(5)(b) maintained the two-year experience requirement for a preceptor. A change is made in this paragraph to require a “demonstration of competence” in a clinical practice area, rather than a “demonstration of expertise.”
- Paragraph (B) addresses requirements for registered nursing program administrators, associate or assistant administrators, faculty, teaching assistants, and preceptors appointed from September 1, 1971 to April 2, 1996. Though presented as new language, the provisions are a restatement of the present rule.

4723-5-11 Qualifications of administrative, faculty, and instructional personnel for a practical nursing education program.

Changes in this rule for practical nursing education programs mirror those in rule 4723-5-10 for registered nursing education programs.

4723-5-12 Program policies.

Language proposed in the July draft of this rule is revised to basically mirror the language for the requirements for safe nursing care set forth in Chapter 4723-4 and to include additional standards for student conduct based on the grounds for disciplinary action set forth in division (B) of Section 4723.28 of the Revised Code that are applicable to nursing students.

4723-5-14 Curriculum for a practical nursing education program.

The language in this rule is returned to its current language so that all practical nursing education programs include content in intravenous therapy beginning on January 1, 2009.

4723-5-16 Board approval of a curriculum revision.

In paragraph (C), the previous draft proposed a change from “shall” to “may” in the last sentence of the paragraph. This draft restores the original language.

4723-5-20 Responsibilities of faculty and instructional personnel in a clinical setting.

In paragraph (E), language is added to this paragraph to provide for a faculty/teaching assistant to student ratio that is smaller than one to ten when necessary to ensure safety in a particular clinical setting.

4723-5-23 Program NCLEX rates.

- The title is revised to more accurately reflect the content of the rule.
- In paragraph (B)(4) the word “consecutive” is inserted after “four.”

**Chapter 4723-7 Licensure of Nurses**

The Board reviewed OAC Chapter 4723-7 as proposed based upon discussions during the July Board meeting and discussions with representatives of ONA and LPNAO. N. Selders and C. Snyder highlighted the proposed changes. The substantive proposed changes are below. The Board reviewed each rule and by general consensus, agreed with the changes as proposed and discussed.

Throughout the Chapter

Replaced “professional nursing education program” with “registered nursing education program.”

4723-7-01 Definitions.

Revision of Paragraph (E) was discussed at the July Board meeting, however, because it is the same definition as in Chapter 4723-3, Board staff are not proposing a revision at this time.

4723-7-03 Authorization to test, accommodations, retesting, and notification.

- During the July Board review, it was suggested Board staff revise paragraph (E) for clarity. At this time, Board staff are not proposing a revision because in reviewing various versions, it was determined that there could be situations where an applicant may become disabled between the time period of first making an application and subsequent applications and a decision about accommodations would be made based on the Americans With Disabilities Act, and the NCSBN and Testing Service policies. Board staff added “if applicable” to paragraph (C)(1) to address this possibility.
- In paragraph (G)(1) deleted originally proposed language so the paragraph states the applicant would repeat the examination in accordance with NCSBN policies.
- In paragraph G)(2) language is proposed to clarify that for applicants to repeat the examination, they must complete the application process required by the Board, including payment of the application fee.

4723-7-04 Requirements for licensure for foreign educated nurse graduates.

- In paragraph (A)(2) proposed to revise the language to require a minimum passing score on the Test of English as a Foreign Language (TOEFL™), as applicable. Board staff believes the prior proposed language is too broad, based on the experience of another licensing Board. TOEFL™ continues to be a standard for *Visa Screen*™. (The *Visa Screen*™ program is a federally approved screening program for foreign health care workers seeking occupational visas in the United States.)
- Paragraph (D) is proposed for deletion, because an applicant may appeal the denial of an application for licensure.

4723-7-06 Registered nurse licensure by endorsement.

- In paragraph (A)(5) re-inserted (a) through (d) from the current rules, since these requirements are still applicable in some situations.
- Paragraph (B)(1) revised due to the change in (A)(5).
- Paragraph (B)(4) addresses situations where programs are no longer in existence and individuals may not have the ability for official transcripts to be submitted directly from the education program.
- Added paragraph (E)(1) so that for a temporary permit, the applicant must show successful completion of the appropriate education program. This is a new requirement, and will prevent applicants from obtaining a temporary permit and subsequently not being eligible for full licensure, which occurs frequently. Generally, this requirement should not lengthen the process of issuing temporary licenses, because completion of an education program can be verified through NURSUS. Further, for disaster situations, Section 4723.32(G)(7), ORC, will

override the administrative rules.

- Paragraph (E)(3) is revised due to the revision in (A)(5) and is the same language in current rule 4723-7-06(C)(1).

4723-7-07 Practical nurse licensure by endorsement.

- Changes in this rule for practical nurse licensure by endorsement mirror those in rule 4723-7-06 for registered nurse licensure by endorsement.

4723-7-11 Licensure Renewal.

- Board staff proposed to revise paragraph (F) based on the April and May Board discussion regarding a statutory change requested by ONA: "The board shall provide an application for renewal to every holder of an active license, except when the board is aware that an individual may be ineligible for license renewal for any reason . . ." ORC Section 4723.24(A).
- In paragraphs (I), (J), and (K) deleted the originally proposed language of "an initial" license from the first line of these paragraphs because the requirements may apply to other licensure situations.

On Friday, September 22, 2006 following review of the proposed and discussed revisions for Chapter's 4723-5; 4723-7; 4723-13; 4723-14 and 4723-18;

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE BOARD APPROVE FOR FILING WITH THE JOINT COMMITTEE ON AGENCY RULE REVIEW (JCARR) PROPOSED REVISIONS TO OHIO ADMINISTRATIVE CODE RULES: CHAPTER'S 4723-5; 4723-7; 4723-13; 4723-14 AND 4723-18. IT IS FURTHER MOVED THAT THE BOARD SCHEDULE A PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO CHAPTER'S 4723-5; 4723-7; 4723-13; 4723-14 AND 4723-18 FOR WEDNESDAY, NOVEMBER 15, 2006, TO BE HELD IN THE BOARD CONFERENCE ROOM AT THE OHIO BOARD OF NURSING OFFICE, 17 SOUTH HIGH STREET, SUITE 400, COLUMBUS, OHIO, TO ALLOW FOR PUBLIC REVIEW AND COMMENT ON THE PROPOSED REVISIONS TO THESE CHAPTERS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. JUDITH BRACHMAN WAS ABSENT.

**OBN ANNUAL REPORT**

The Board received the draft Annual Report for fiscal year 2006 for review and approval, submitted by B. Houchen. K. Driscoll commended B. Houchen on an exceptionally well-written informative report. Following review and discussion;

IT WAS MOVED BY TERESA WILLIAMS, SECONDED BY LISA KLENKE, THAT THE BOARD APPROVE THE OHIO BOARD OF NURSING ANNUAL REPORT, AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. JUDITH BRACHMAN AND BERTHA LOVELACE WERE ABSENT.

## **APPROVALS**

### **Nursing Education Programs**

#### **Chamberlain College of Nursing – On-Line Program Presentation**

On Thursday, September 21, 2006, the Board reviewed a slide presentation by Susan L. Groenwald, MSN, President, and Julia Ann Raithel, PhD, RN, Dean of Nursing Programs, Chamberlain College of Nursing. The ADN program students and RN students entering BSN programs may enroll in either the campus or on-line, web-based program. A slide presentation provided an overview on the following: requirements for entering the ADN program and RN students entering the BSN program; theory delivery; clinical practice experiences; nurse preceptors; course faculty responsibilities; web-based ADN clinical validation; application of theory to practice; patient care assignments and key web-based clinical teaching tools. In summary, the presenter's believe the web-based program option meets diverse learning needs of today's adult learner; provides an opportunity to students who may not otherwise have the opportunity to attend school; the web-based program outcomes are identical to the campus based; clinical content and experiences are comparable and the web-based program produces knowledgeable and clinically proficient graduates with high potential for success in the work environment. Ms. Groenwald and Dr. Raithel answered questions of the Board for clarification. President Krueger thanked Ms. Groenwald and Dr. Raithel for their presentation and commended them on the development of a web-based program.

### **Nursing Education Programs - New Program Approvals**

#### **Hondros College, School of Nursing, Practical Nursing Program, Mason**

The Board reviewed a summary report of the survey visit conducted by K. Hill on August 25, 2006, for the proposed Hondros College, School of Nursing, Practical Nursing Program, Mason. The purpose of the survey visit was to verify the accuracy of the information presented in the proposal for establishing a new nursing education program. Representatives from the Hondros College, School of Nursing, Practical Nursing Program, were present to answer questions of the Board. Following review and discussion;

IT WAS MOVED BY LISA KLENKE, SECONDED BY ANNE BARNETT, THAT THE BOARD GRANT CONDITIONAL APPROVAL TO THE HONDROS COLLEGE, SCHOOL OF NURSING, PRACTICAL NURSING PROGRAM, MASON, EFFECTIVE SEPTEMBER 21, 2006. THE PROGRAM HAS MET THE REQUIREMENTS SET FORTH IN CHAPTER 4723-5 OAC, AND HAS PROVIDED ALL INFORMATION REQUIRED BY RULE 4723-5-08(C) OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

#### **Hondros College, School of Nursing, Associate Degree Nursing Program, Mason**

The Board reviewed a summary report of the survey visit conducted by K. Hill on August 25, 2006, for the proposed Hondros College, School of Nursing, Associate Degree Nursing Program, Mason. The purpose of the survey visit was to verify the accuracy of

the information presented in the proposal for establishing a new nursing education program. Representatives from the Hondros College, School of Nursing, Associate Degree Nursing Program, were present to answer questions of the Board. Following review and discussion;

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY KATHLEEN O'DELL, THAT THE BOARD GRANT CONDITIONAL APPROVAL TO THE HONDROS COLLEGE, SCHOOL OF NURSING, ASSOCIATE DEGREE NURSING PROGRAM, MASON, EFFECTIVE SEPTEMBER 21, 2006. THE PROGRAM HAS MET THE REQUIREMENTS SET FORTH IN CHAPTER 4723-5 OAC, AND HAS PROVIDED ALL INFORMATION REQUIRED BY RULE 4723-5-08(C) OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

**Miami-Jacobs Career College, Practical Nursing Program, Dayton**

The Board reviewed a summary report of a survey visit conducted by K. Hill on September 7, 2006, for the proposed Miami-Jacobs Career College, Practical Nursing Program, Dayton. The purpose of the survey visit was to verify the accuracy of the information presented in the proposal for establishing a new nursing education program. Representatives from the Miami-Jacobs Career College, Practical Nursing Program, were present to answer questions of the Board. Following review and discussion;

IT WAS MOVED BY KATHLEEN DRISCOLL, SECONDED BY LISA KLENKE, THAT THE BOARD GRANT CONDITIONAL APPROVAL TO THE MIAMI-JACOBS CAREER COLLEGE, PRACTICAL NURSING PROGRAM, DAYTON, EFFECTIVE SEPTEMBER 21, 2006. THE PROGRAM HAS MET THE REQUIREMENTS SET FORTH IN CHAPTER 4723-5 OAC, AND HAS PROVIDED ALL INFORMATION REQUIRED BY RULE 4723-5-08(C) OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

**Mount Vernon Nazarene University, Baccalaureate Degree in Nursing Program, Mt. Vernon**

The Board reviewed a summary report of a survey visit conducted by K. Hill on September 6, 2006, for the proposed Mount Vernon Nazarene University, Baccalaureate Degree in Nursing Program, Mt. Vernon. The purpose of the survey visit was to verify the accuracy of the information presented in the proposal for establishing a new nursing education program. Representatives from the Mount Vernon Nazarene University, Baccalaureate Degree in Nursing Program, were present to answer questions of the Board. Following review and discussion;

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE BOARD GRANT CONDITIONAL APPROVAL TO THE MOUNT VERNON NAZARENE UNIVERSITY, BACCALAUREATE DEGREE IN NURSING PROGRAM, MT. VERNON, EFFECTIVE SEPTEMBER 21, 2006. THE PROGRAM HAS MET THE REQUIREMENTS SET FORTH IN CHAPTER 4723-5 OAC, AND HAS PROVIDED ALL INFORMATION REQUIRED BY RULE 4723-5-08(C) OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

## **Nursing Education Programs - Determination of Program Approval Status**

### **Practical Nursing Program of Buckeye Hills Career Center, Rio Grande**

The Board reviewed the summary report of the May 30-June 1, 2006 survey visit to the Practical Nursing Program of Buckeye Hills Career Center, Rio Grande, to determine approval status.

Following a discussion regarding the program's non-compliance with the Board's recommendations following a survey visit in 2001 concerning the systematic plan of evaluation and the May 30-June 1, 2006 survey visit summary, Board member J. Brachman requested that K. Hill convey to the program the Board discussion, concerns, and the importance of maintaining compliance with Board recommendations. K. Hill agreed to follow up with J. Brachman's request. Following review and discussion;

IT WAS MOVED BY LISA KLENKE, SECONDED BY JANET L. BOECKMAN, THAT THE BOARD GRANT FULL APPROVAL TO THE PRACTICAL NURSING PROGRAM OF BUCKEYE HILLS CAREER CENTER, RIO GRANDE, EFFECTIVE SEPTEMBER 21, 2006 IN ACCORDANCE WITH RULE 4723-5-04 OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

### **Otterbein College, BSN Nursing Program, Westerville**

The Board reviewed the summary report of the May 22-24, 2006, survey visit conducted to the Otterbein College, BSN Nursing Program, Westerville, to determine approval status. Barbara F. Schaffner, PhD, RN, CNP, Chairperson was present to answer questions of the Board. Following review and discussion;

IT WAS MOVED BY JANET L. BOECKMAN, SECONDED BY J. JANE MCFEE, THAT THE BOARD GRANT FULL APPROVAL TO OTTERBEIN COLLEGE, BSN NURSING PROGRAM, WESTERVILLE, EFFECTIVE SEPTEMBER 21, 2006 IN ACCORDANCE WITH RULE 4723-5-04 OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

### **The Robert T. White School of Practical Nursing, Alliance**

The Board reviewed the summary report of the July 16-17, 2006 survey visit to the Robert T. White School of Practical Nursing, Alliance, to determine approval status. Linda Kimble, MS, RN, CNP, Director was present to answer questions of the Board. Following review and discussion;

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY KATHLEEN O'DELL, THAT THE BOARD GRANT FULL APPROVAL TO THE ROBERT T. WHITE SCHOOL OF PRACTICAL NURSING, ALLIANCE, EFFECTIVE SEPTEMBER 21, 2006 IN ACCORDANCE WITH RULE 4723-5-04 OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

**RETS School of Nursing, Associate Degree in Nursing Program, Centerville**

The Board reviewed the summary report of the July 26-28, 2006, survey visit to the RETS School of Nursing, Associate Degree in Nursing Program, Centerville, to determine approval status. Tamar Gilson and other representatives from the RETS program were present to answer questions of the Board. Following review and discussion;

IT WAS MOVED BY KATHLEEN DRISCOLL, SECONDED BY BERTHA LOVELACE, THAT THE BOARD GRANT FULL APPROVAL TO THE RETS SCHOOL OF NURSING, ASSOCIATE DEGREE IN NURSING PROGRAM, CENTERVILLE, EFFECTIVE SEPTEMBER 21, 2006 IN ACCORDANCE WITH RULE 4723-5-04 OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

**Columbus Public Schools, Department of Adult Education, School of Practical Nursing, Columbus**

The Board received a written memo regarding the Columbus Public Schools, Department of Adult Education, School of Practical Nursing, Columbus, submitted by K. Hill regarding non-compliance with Rules 4723-5-11(B)(1) and 4723-5-09(C)(2) of the Ohio Administrative Code.

K. Hill provided an overview. The Program Administrator resigned effective May 12, 2006. An Interim Administrator, a faculty member with less than two years of teaching experience, is currently enrolled in a Master's program and should graduate in December 2006. The Supervisor for the Department of Adult Education for Columbus Public Schools informed K. Hill that applicants for the position were not as qualified as the Interim Administrator. K. Hill stated the program does not currently meet the rules, therefore a change in the program approval status should be considered by the Board. Following review and discussion;

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY PATRICIA BURNS, THAT THE BOARD PLACE THE COLUMBUS PUBLIC SCHOOLS, DEPARTMENT OF ADULT EDUCATION, SCHOOL OF PRACTICAL NURSING, COLUMBUS, ON PROVISIONAL APPROVAL EFFECTIVE SEPTEMBER 21, 2006, FOR FAILURE TO MAINTAIN COMPLIANCE WITH RULES 4723-5-11(B)(1) AND 4723-5-09(C)(2) OAC. IT IS FURTHER MOVED THAT THE PROVISIONAL APPROVAL SHALL BE FOR A PERIOD OF ONE YEAR AND THAT A PROGRESS REPORT RELATED TO THE PROGRAM'S EFFORTS TOWARD COMPLIANCE WITH THE ABOVE REFERENCED RULES BE FORWARDED TO THE BOARD FOUR WEEKS PRIOR TO THE MARCH 15-16, 2007 MEETING. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

**Knox County Career Center, School of Practical Nursing, Mt. Vernon**

The Board reviewed a written memo regarding the Knox County Career Center, School of Practical Nursing, Mt. Vernon, submitted by K. Hill, regarding non-compliance with Rules 4723-5-11(B)(1) and 4723-5-09(C)(2) of the Ohio Administrative Code.

K. Hill reported that the Program Administrator retired and a new Program Administrator was hired effective July 1, 2006. None of the new Program Administrator's nursing experience has been as faculty in a nursing education program, however she has a strong background in curriculum development. K. Hill stated that the program does not currently meet the rules, therefore a change in the program approval status should be considered by the Board.

J. Brachman stated concern about programs complying with the regulatory requirements and is concerned that programs placed on provisional status may not see the urgency to correct the areas of non-compliance. L. Klenke suggested there be more frequent communication with programs on provisional status. It was noted that during provisional status, the Board may request reports from the program as needed.

B. Houchen stated that the staff has attempted to address the issue of having a qualified administrator in proposed Chapter 5 of the Administrative Code. Currently the rules require a program administrator be replaced within thirty days, a timeframe that is difficult to meet. Following review and discussion;

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY JUDITH BRACHMAN, THAT THE BOARD PLACE THE KNOX COUNTY CAREER CENTER SCHOOL OF PRACTICAL NURSING, MOUNT VERNON, ON PROVISIONAL APPROVAL EFFECTIVE SEPTEMBER 21, 2006, FOR FAILURE TO MAINTAIN COMPLIANCE WITH RULES 4723-5-11(B)(1) AND 4723-5-09(C)(2) OAC. IT IS FURTHER MOVED THAT THE PROVISIONAL APPROVAL SHALL BE FOR A PERIOD OF ONE YEAR AND THAT A PROGRESS REPORT RELATED TO THE PROGRAM'S EFFORTS TOWARD COMPLIANCE WITH THE ABOVE REFERENCED RULES BE FORWARDED TO THE BOARD FOUR WEEKS PRIOR TO THE MARCH 15-16, 2007 MEETING. IT IS FURTHER MOVED AND RECOMMENDED THAT THE PROGRAM INFORM POTENTIAL APPLICANTS AND STUDENTS OF THE PROGRAM'S PROVISIONAL APPROVAL STATUS. MOTION ADOPTED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. JANET L. BOECKMAN ABSTAINED. BERTHA LOVELACE WAS ABSENT.

Following further discussion;

IT WAS MOVED BY KATHLEEN DRISCOLL, SECONDED BY J. JANE MCFEE, THAT THE BOARD RESCIND THE LANGUAGE FROM THE PREVIOUS MOTION ADDRESSING NOTIFICATION OF STUDENTS AND APPLICANTS OF THE PROGRAM'S PROVISIONAL APPROVAL STATUS. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. JANET L. BOECKMAN ABSTAINED. BERTHA LOVELACE WAS ABSENT.

L. Emrich discussed that the approval status of each program could be listed on the Board web site. The Board directed staff to list the approval status of all programs on the web page and noted that this would be available to students or potential applicants

to the programs. Following further discussion, it was agreed by general consent of the Board that the Board would discuss the possibility of new rules addressing notification of applicants and students in the next review of Chapter 5 and after further discussion.

### **Curriculum Changes**

#### **Huron School of Nursing, East Cleveland**

The Board reviewed a written memo regarding a request for a curriculum revision from the Huron School of Nursing. The Program intends to begin implementation of the proposed curriculum revision, if approved, in January 2007, with full implementation by August 2008. The proposal for the revised curriculum was reviewed and evaluated by K. Hill, who stated the proposed curriculum revision meets all requirements for the curriculum of a registered nursing education program set forth in Rule 4723-5-13 OAC. In addition, the proposal provides all the information required by Rule 4723-5-16(B)(1) OAC. Following review and discussion;

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE CURRICULUM REVISION SUBMITTED BY HURON SCHOOL OF NURSING, EAST CLEVELAND, BE APPROVED, EFFECTIVE SEPTEMBER 21, 2006. THE PROGRAM HAS MET ALL THE REQUIREMENTS OF RULE 4723-5-13 OAC AND THE INFORMATION REQUIRED BY RULE 4723-5-16(B)(1) OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

### **Dialysis Technician Training Programs – Approval/Re-Approval**

#### **Diversified Specialty Institutes, Akron**

Representatives from the Diversified Specialty Institutes were present. Following review;

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY JUDITH BRACHMAN, THAT THE DIVERSIFIED SPECIALTY INSTITUTES-AKRON REGION DIALYSIS TRAINING PROGRAM BE APPROVED FROM SEPTEMBER 21, 2006 THROUGH SEPTEMBER 30, 2008, HAVING MET ALL THE REQUIREMENTS OF RULE 4723-23-08 OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE WAS ABSENT.

#### **Kidney Services of West Central Ohio DT Training Center**

Following review;

IT WAS MOVED BY LISA KLENKE, SECONDED BY ELIZABETH BUSCHMANN, THAT THE KIDNEY SERVICES OF WEST CENTRAL OHIO DIALYSIS TECHNICIAN TRAINING CENTER BE RE-APPROVED FROM SEPTEMBER 21, 2006 THROUGH SEPTEMBER 30, 2008, HAVING MET ALL THE REQUIREMENTS OF RULE 4723-23-08 OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

**Certified Medication Aide Pilot Program**

**Pilot Facilities: Nursing Homes**

**Lakewood Senior Health Campus, Lakewood**

IT WAS MOVED BY TERESA WILLIAMS, SECONDED BY LISA KLENKE, THAT LAKEWOOD SENIOR HEALTH CAMPUS OF LAKEWOOD, OHIO, IS NOT ELIGIBLE TO PARTICIPATE IN THE MEDICATION AIDE PILOT PROGRAM AS THE OHIO DEPARTMENT OF HEALTH HAS FOUND THAT THE NURSING HOME WAS NOT FREE FROM DEFICIENCIES RELATED TO THE ADMINISTRATION OF MEDICATIONS IN ITS TWO MOST RECENT ANNUAL SURVEYS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. JUDITH BRACHMAN AND BERTHA LOVELACE WERE ABSENT.

**Bradley Bay Health Center of Bay Village**

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY KATHLEEN DRISCOLL, THAT THE BOARD APPROVE BRADLEY BAY HEALTH CENTER OF BAY VILLAGE, OHIO, AS A NURSING HOME PARTICIPANT IN THE MEDICATION AIDE PILOT PROGRAM. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. JUDITH BRACHMAN AND BERTHA LOVELACE WERE ABSENT.

**Pilot Facilities: Residential Care Facilities (RCFs)**

**Bradley Bay Assisted Living of Bay Village**

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE BOARD APPROVE BRADLEY BAY ASSISTED LIVING OF BAY VILLAGE, OHIO, AS A RESIDENTIAL CARE FACILITY PARTICIPANT IN THE MEDICATION AIDE PILOT PROGRAM. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. JUDITH BRACHMAN AND BERTHA LOVELACE WERE ABSENT.

**Retroactive Approvals for Licensees/Certificate Holders**

**Registered Nurses (RNs)**

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY KATHLEEN O'DELL, THAT THE BOARD RETROACTIVELY RATIFY, AS SUBMITTED, THE LICENSES INITIALLY ISSUED BY THE BOARD OF NURSING JULY 1, 2006 THROUGH AUGUST 31, 2006 TO REGISTERED NURSES AS DEFINED IN SECTION 4723.09 ORC, TAKING INTO ACCOUNT THOSE LICENSES SUBJECT TO DISCIPLINE, SURRENDER, OR NON-RENEWAL. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. JUDITH BRACHMAN AND BERTHA LOVELACE WERE ABSENT.

**Licensed Practical Nurses (LPNs)**

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY KATHLEEN O'DELL, THAT THE BOARD RETROACTIVELY RATIFY, AS SUBMITTED, THE LICENSES INITIALLY ISSUED BY THE BOARD OF NURSING JULY 1, 2006 THROUGH

AUGUST 31, 2006 TO LICENSED PRACTICAL NURSES AS DEFINED IN SECTION 4723.09 ORC, TAKING INTO ACCOUNT THOSE LICENSES SUBJECT TO DISCIPLINE, SURRENDER, OR NON-RENEWAL. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. JUDITH BRACHMAN AND BERTHA LOVELACE WERE ABSENT.

### **Advanced Practice Nurses**

#### **Certificates of Authority (COAs)**

IT WAS MOVED BY ANNE BARNETT, SECONDED BY LISA KLENKE, THAT THE BOARD RETROACTIVELY RATIFY, AS SUBMITTED, ALL CERTIFICATES OF AUTHORITY (COA) INITIALLY ISSUED JULY 1, 2006 THROUGH AUGUST 31, 2006 TO CERTIFIED REGISTERED NURSE ANESTHETISTS, CERTIFIED NURSE-MIDWIVES, CERTIFIED NURSE PRACTITIONERS, AND CLINICAL NURSE SPECIALISTS AS DEFINED IN SECTION 4723.41 ORC TAKING INTO ACCOUNT THOSE CERTIFICATES SUBJECT TO DISCIPLINE, SURRENDER, OR NON-RENEWAL. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. JUDITH BRACHMAN AND BERTHA LOVELACE WERE ABSENT.

#### **Certificates to Prescribe (CTPs & CTP-Externship)**

IT WAS MOVED BY JANET L. BOECKMAN, SECONDED BY J. JANE MCFEE, THAT THE BOARD RETROACTIVELY RATIFY, AS SUBMITTED, ALL CERTIFICATES TO PRESCRIBE (CTP AND CTP-EXTERNSHIP) INITIALLY ISSUED JULY 1, 2006 THROUGH AUGUST 31, 2006 TO CERTIFIED NURSE-MIDWIVES, CERTIFIED NURSE PRACTITIONERS, AND CLINICAL NURSE SPECIALISTS AS DEFINED IN SECTION 4723.48 ORC, TAKING INTO ACCOUNT THOSE CERTIFICATES SUBJECT TO DISCIPLINE, SURRENDER OR NON-RENEWAL. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. J. JANE MCFEE ABSTAINED ON JAMIE KIRBY RX #07803 AND BONNIE COHEN RX #08470. JUDITH BRACHMAN AND BERTHA LOVELACE WERE ABSENT.

### **Dialysis Technicians (OCDTs)**

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY KATHLEEN O'DELL, THAT THE BOARD RETROACTIVELY RATIFY, AS SUBMITTED, ALL CERTIFICATES INITIALLY ISSUED JULY 1, 2006 THROUGH AUGUST 31, 2006 TO OHIO CERTIFIED DIALYSIS TECHNICIANS (OCDTs) IN ACCORDANCE WITH SECTION 4723.75 ORC, TAKING INTO ACCOUNT THOSE CERTIFICATES SUBJECT TO DISCIPLINE, SURRENDER OR NON-RENEWAL. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. JUDITH BRACHMAN AND BERTHA LOVELACE WERE ABSENT.

### **Community Health Workers (CHWs)**

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY KATHLEEN DRISCOLL, THAT THE BOARD RETROACTIVELY RATIFY AS SUBMITTED ALL CERTIFICATES INITIALLY ISSUED JULY 1, 2006 THROUGH AUGUST 31, 2006

TO COMMUNITY HEALTH WORKERS (CHWS) IN ACCORDANCE WITH SECTION 4723.85 ORC, TAKING INTO ACCOUNT THOSE CERTIFICATES SUBJECT TO DISCIPLINE, SURRENDER OR NON-RENEWAL. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. JUDITH BRACHMAN AND BERTHA LOVELACE WERE ABSENT.

## **ADJUDICATION AND COMPLIANCE**

### **NOTICES OF OPPORTUNITY FOR HEARINGS**

On Friday, September 22, 2006, the Board considered the following proposed Notices of Opportunity for Hearing that were reviewed by Board members:

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY JUDITH BRACHMAN, THAT THE BOARD ISSUE A NOTICE OF OPPORTUNITY FOR HEARING FOR VIOLATIONS OF CHAPTER 4723. ORC FOR THE FOLLOWING CASES: DUCK, DEBORAH, A., P.N. 104302 (CASE #06-2270); WINKLE, SHARON, J., P.N. 028892 (CASE #06-2206); ANSBACK, DENISE, M., R.N. 302798 (CASE #06-1110); BOSTON, TRAVIS, D., P.N. 112257 (CASE #06-1388); EVANS, SHERYL, A., P.N. 110047 (CASE #05-1725); GIESMAN, RACHEL, Y., P.N. 112122 (CASE #05-2652); GRAY, MURIEL, J., P.N. 057575 (CASE #06-2124); HALLBOM, JANINE, E., P.N. 095108 (CASE #05-2038); NORMAN, MICHAEL, S., R.N. 276717 (CASE #05-2322); PECK, STEPHANIE, M., R.N. 260516 (CASE #06-1207); WELLS, RONALD, E., R.N. 253708 (CASE #05-2839); MILLS, OLIVIA, , R.N. 261218 (CASE #04-0120); WEBER, NANCY, N., R.N. 277753 (CASE #06-1279); BLESSING, ARLENE, M., P.N. 116010 (CASE #05-0824); HYDEN, SAMUEL, J., P.N. 103146 (CASE #05-2447); WHITNIGHT, KEITH, T., R.N. 251399 (CASE #06-0173); BLACKBURN, SHELLY, R., R.N. 252881 (CASE #05-2574); ATHERTON, MICHELLE, L., R.N. 285900 (CASE #05-3065); BENTLEY, MELISSA, K., P.N. 114044 (CASE #05-2054); HUMBERGER, AMANDA, E., R.N. 305290 (CASE #05-3048); JEWETT, RONALD, A., P.N. 103292 (CASE #06-0382); SMITH, TIMOTHY, D., R.N. 289396 (CASE #04-2636); WARTENBEE, MINDY, L., R.N. 269898 (CASE #05-0510); ASH, KIMBERLY, G., P.N. 072104 (CASE #04-0293); POTOCHNIK, JEANETTE, L., P.N. 109163 (CASE #06-2171); BYNES, WILLIE, M, P.N. 083044 (CASE #06-1456); EVANS, AMY, L., P.N. 094625 (CASE #05-1154); SCOLES, KARLA, J., P.N. 085421 (CASE #06-0340); STANLEY, CHERIECE, M., D.T. TECH (CASE #06-2099) AND JOHNSON, ALLYNE, E., P.N. 086348 (CASE #06-1051). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. KATHLEEN O'DELL ABSTAINED ON THE FOLLOWING CASE(S): ASH, KIMBERLY, G., P.N. 072104 (CASE #04-0293); POTOCHNIK, JEANETTE, L., P.N. 109163 (CASE #06-2171); BYNES, WILLIE, M, P.N. 083044 (CASE #06-1456); EVANS, AMY, L., P.N. 094625 (CASE #05-1154); SCOLES, KARLA, J., P.N. 085421 (CASE #06-0340); AND STANLEY, CHERIECE, M., D.T. TECH (CASE #06-2099). ANNE BARNETT ABSTAINED ON NORMAN, MICHAEL, S., R.N. 276717 (CASE #05-2322). BERTHA LOVELACE ABSTAINED ON ALL CASES.

Complete copies of the Notices of Opportunity for Hearing shall be maintained in the exhibit book for the September 2006 Board meeting.

**IMMEDIATE SUSPENSIONS AND NOTICE FOR OPPORTUNITY**

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE BOARD ISSUE A NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING FOR VIOLATIONS OF CHAPTER 4723. ORC FOR THE FOLLOWING CASES: DUELLMAN, MARGARET, A., R.N. 294244 (CASE #05-0263); HARRISON, DEBRA, S., R.N. 265838 (CASE #06-0647); HAWKINS, CYNTHIA, S, R.N. 297932 (CASE #05-1604); MANDILAKIS, CHRISTINE, A., P.N. 091045 (CASE #04-2222); MOSS, MARSHA, L., R.N. 274505 (CASE #06-2225); PLATT, JOANN, B., R.N. 288511 (CASE #06-2403); SHULL, KATHY, A., P.N. 110728 (CASE #05-1878); STEWART, SHELVE, , P.N. 110483 (CASE #06-2082); TAYLOR, MARY, E, P.N. 094783 (CASE #05-3073); WELLS, DEBRA, S., R.N. 219477 (CASE #06-1037); CASTELLANE, BONNIE , J., P.N. 047770 (CASE #05-2348); COURI, TERRI, A., R.N. 223918 (CASE #06-2268); KOMINSKY, REBECCA, L., R.N. 220809 (CASE #04-1839); MOYERS, BRADLEY, S., R.N. 279298 (CASE #06-2486); COMISKEY, MARY, K., R.N. 180177 (CASE #06-0209); NORTON, JULIE, M., P.N. 103117 (CASE #06-0054); WIBLE, PEGGY, A., R.N. 197303 (CASE #05-2037); GUZOWSKI, JOSEPH, M., P.N. 113755 (CASE #05-3186) AND O'NEAL, APRIL, N., R.N. 294508 (CASE #06-1497). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. KATHLEEN O'DELL ABSTAINED ON THE FOLLOWING CASE(S): MOYERS, BRADLEY, S., R.N. 279298 (CASE #06-2486); COMISKEY, MARY, K., R.N. 180177 (CASE #06-0209); NORTON, JULIE, M., P.N. 103117 (CASE #06-0054); WIBLE, PEGGY, A., R.N. 197303 (CASE #05-2037); GUZOWSKI, JOSEPH, M., P.N. 113755 (CASE #05-3186) AND O'NEAL, APRIL, N., R.N. 294508 (CASE #06-1497). BERTHA LOVELACE ABSTAINED ON ALL CASES.

Complete copies of the Notices of Immediate Suspension and Opportunity for Hearing shall be maintained in the exhibit book for the September 2006 Board meeting.

**AUTOMATIC SUSPENSIONS AND NOTICE FOR OPPORTUNITY**

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY KATHLEEN O'DELL, THAT THE BOARD ISSUE A NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING FOR VIOLATIONS OF CHAPTER 4723. ORC FOR THE FOLLOWING CASE(S): DAVIS, FELICIA, , P.N. 114451 (CASE #06-1387); DEERWESTER, DAVID, C., TC 1 02440 (CASE #06-2205); REID, VIOLET, J., P.N. 111429 (CASE #06-2025); COX, ALLISON, A., R.N. 219714 (CASE #06-2166); GROBLEWSKI, DIANA, , P.N. 089116 (CASE #06-1906); GILMOUR, PENNY, , P.N. 067387 (CASE #06-1836); HANEY, TERESA, L., P.N. 089818 (CASE #06-2024); ROBERTS, COURTNEY, J., P.N. 112489 (CASE #06-2336); TURNEY, WILLIAM, E., P.N. 080415 (CASE #06-2165); WALSH, ALICIA, M., P.N. 107895 (CASE #06-2208); DARR, ELANA, K., P.N. 030592 (CASE #06-2096); CASTILLO, DORA, M., P.N. 100908 (CASE #05-3256) AND SMITH, TUNISHA, A., P.N. 101682 (CASE #06-2215). KATHLEEN O'DELL ABSTAINED ON THE FOLLOWING CASE(S): CASTILLO, DORA, M., P.N. 100908 (CASE #05-3256) AND SMITH, TUNISHA, A., P.N. 101682 (CASE #06-2215). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED ON ALL CASES.

Complete copies of the Notices of Automatic Suspension and Opportunity for Hearing shall be maintained in the exhibit book for the September 2006 Board meeting.

### **SUMMARY SUSPENSIONS AND NOTICE OF OPPORTUNITY FOR HEARING**

#### **GAETANO, LYNN, A., R.N. 268263 (CASE #06-2145).**

IT WAS MOVED BY LISA KLENKE, SECONDED BY KATHLEEN DRISCOLL, THAT THE BOARD SUMMARILY SUSPEND THE LICENSE OF GAETANO, LYNN, A., R.N. 268263 (CASE #06-2145) AND ISSUE A NOTICE OF OPPORTUNITY FOR HEARING FOR VIOLATIONS OF CHAPTER 4723 ORC, RETROACTIVE TO THE DATE IT WAS ISSUED, ON SEPTEMBER 12, 2006, AND THAT THERE IS CLEAR AND CONVINCING EVIDENCE THAT CONTINUED PRACTICE BY LYNN GAETANO, RN 268263, PRESENTS A DANGER OF IMMEDIATE AND SERIOUS HARM TO THE PUBLIC. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. CYNTHIA KRUEGER AND BERTHA LOVELACE ABSTAINED.

A complete copy of the Notice of Summary Suspension and Opportunity for Hearing shall be maintained in the exhibit book for the September 2006 Board meeting.

### **SURRENDERS**

#### **PERMANENT VOLUNTARY SURRENDERS**

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY KATHLEEN DRISCOLL, THAT THE BOARD ACCEPT THE PERMANENT VOLUNTARY SURRENDER OF LICENSE FOR THE FOLLOWING CASE(S): DOMINIC, JANICE, M., R.N. 092712 (CASE #06-1567); GOODALL, SHARON, L, R.N. 138515 (CASE #06-2116); RUTLEDGE, NANCY, A., P.N. 043830 (CASE #06-1242); SHULTZ, YVETTE, L., P.N. 107848 (CASE #06-2105); PRICE-KRUEGER, SUSAN, , R.N. 271660 (CASE #06-0955); BENANZER, APRIL, L., P.N. 102007 (CASE #06-2018); AND PARK, KAREN, , P.N. 054084 (CASE #06-1771). KATHLEEN O'DELL ABSTAINED ON PARK, KAREN, P.N. 054084 (CASE #06-1771). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED ON ALL CASES.

Complete copies of the Voluntary Surrenders shall be maintained in the exhibit book for the September 2006 Board meeting.

### **WITHDRAWALS OF APPLICATIONS**

#### **VOLUNTARY NON-PERMANENT WITHDRAWAL OF APPLICATION**

IT WAS MOVED BY KATHLEEN DRISCOLL, SECONDED BY ELIZABETH BUSCHMANN, THAT THE BOARD ACCEPT THE VOLUNTARY NON-PERMANENT WITHDRAWAL OF APPLICATION FOR LICENSURE BY EXAMINATION FOR THE FOLLOWING CASE: IDEIS, MAZEN, A., R.N. NCLEX (CASE #06-0637). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

### **VOLUNTARY PERMANENT WITHDRAWAL OF APPLICATION**

IT WAS MOVED BY ANNE BARNETT, SECONDED BY LISA KLENKE, THAT THE BOARD ACCEPT THE VOLUNTARY PERMANENT WITHDRAWAL OF APPLICATION FOR LICENSURE BY ENDORSEMENT FOR THE FOLLOWING CASE(S): JOHNSON, DONALD, R.N. ENDORSE (CASE #06-1363); BAKER, STEVEN, R., P.N. ENDORSE (CASE #06-1341) AND DELOUIS, CHRISTINA, T., R.N. ENDORSE (CASE #06-1808). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED ON ALL CASES.

### **CONSENT AGREEMENTS**

On Friday, September 22, 2006, the Board considered the terms of the following proposed consent agreements that were reviewed by Board members:

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE BOARD APPROVE THE CONSENT AGREEMENTS FOR VIOLATIONS OF CHAPTER 4723. ORC ENTERED INTO BY AND BETWEEN THE BOARD AND THE FOLLOWING LICENSEES: SWERLEIN, MELVIN, L., R.N. 180135 (CASE #06-1724); WOLF, MARY, L., R.N. 209532 (CASE #05-0633); SNEED, MARILYN, J., R.N. ENDORSE (CASE #06-1700); HUGHES, GARRETT, P., R.N. 274365 (CASE #06-1794); GEMMER, JEAN, A., R.N. 165954 (CASE #06-1658); WARREN, ANDREA, , P.N. 124131 (CASE #05-2989); PURDY, CHARLENE, M, R.N. 243530 (CASE #05-3451); LEDBETTER, JOAN, M., R.N. 155755 (CASE #05-2213); WADDELL, HEATHER, M., P.N. 124130 (CASE #06-1426); ELLIS, TERRELL, , P.N. 124123 (CASE #06-1392); O'TOOLE, AMY, C., R.N. 327041 (CASE #06-1270); TOLLE, KIMBERLY, A., R.N. 241723 (CASE #06-0144); ILLINIK, PAMELA, V., P.N. 084027 (CASE #06-0128); ANDERSON, ARNAL, L., R.N. 190481 (CASE #06-0605); CLAYWELL, ALICIA, J., R.N. 275793 (CASE #03-0048); CAPICCIONI, NANCY, J., R.N. 239454 (CASE #06-0525); LOCK, KRISTIE, L., D.T. APPL (CASE #06-1796); BUSH-COTTLE, IRIS, A, P.N. 071765 (CASE #03-1287); THURNALL, MARCIA, L., R.N. 154520 (CASE #04-2923); KERESTMAN, KATHERINE, M., R.N. 272983 (CASE #06-1654); HUGHES, CHRISTY, M., P.N. 097083 (CASE #06-1783); BEDNARIK, LISA, D., R.N. 328994 (CASE #06-1419); SALAS, LEE ANN, , P.N. 100100 (CASE #06-1785); MELOCIK, CATHY, , P.N. 050687 (CASE #05-2844); KLEIN, CHRISTOPHER, J, R.N. 223958 (CASE #05-2864); KLEIN, CHRISTOPHER, J, R.N. 223958 (CASE #05-2864); ARCHER, MURIEL, A., P.N. 124118 (CASE #06-1493); KRISTOF, KERRIE, L., R.N. 298883 (CASE #06-1784); FLOWERS, CAROL, S., P.N. 095038 (CASE #06-1312); NOVAK, KATHLEEN, P., R.N. 328998 (CASE #06-1582); NEUMANN, DEBORAH, L, R.N. 148551 (CASE #05-2941); SHINGLER, CARY, L., P.N. 104869 (CASE #06-1106); GARRETT, TONI, G., P.N. 080925 (CASE #06-0954); BRUEHLER, TODD, D., R.N. 328995 (CASE #06-1403); JAKUBOWSKI, ZENITH, A., R.N. 288784 (CASE #05-3080); PEACE, JEFFERY, S., R.N. 289165 (CASE #05-3089); KLUSTY , GAIL, P., P.N. 062738 (CASE #06-0008); MIRAGLIA, MARIA, C., R.N. 286057 (CASE #04-2492B); HATTON, SHERRI, M., P.N. 093716 (CASE #04-1258); MORRIS, RHONDA, L., P.N. 109908 (CASE #04-2893); BOTTS, RHONDA, M., R.N. 271878 (CASE #06-0630); GREER, MARILYN, , P.N. 095226 (CASE #03-1983); POOLE, AMY, L., P.N. 092579 (CASE #05-2135); NOFFKE,

MICHELE, R., P.N. 087856 (CASE #05-3353); BOWERS, MARCIA, L., R.N. 246503 (CASE #06-0015); TORRES, MICHELE, L., P.N. 101239 (CASE #06-0258); WATSON, AMY, D., R.N. 328993 (CASE #06-1494); BROOKS, TOVA, S., P.N. 124119 (CASE #06-1294); COGNATI, KELLY, A., P.N. 124122 (CASE #06-1596); HEMPKER, DARCY, A., R.N. 233710 (CASE #06-1339); RANKIN, WENDY, J., P.N. 123872 (CASE #06-1720); CROFF, GWENDOLYN, M., P.N. 103553 (CASE #06-2070); PRICE, JEANINE, R., R.N. 328992 (CASE #06-1253); WOODS, DIANE, M., R.N. 247355 (CASE #06-0282); GENIS, BARBARA, E., R.N. 256769 (CASE #05-0773); THOMAS, PAMELA, , P.N. 089120 (CASE #06-1190); LATTIMER, JANICE, L., R.N. 148281 (CASE #05-0720); TERRY , BARBARA, A., R.N. 298684 (CASE #05-0816); KEETON, WANDA, M., R.N. 145110 (CASE #05-0620); WALDROP, LISA, D., P.N. 112517 (CASE #06-0717); KELLY, ANN, S., R.N. 155469 (CASE #06-1015); WESTLEY, ANITA, J., P.N. 096210 (CASE #04-0913); LUTE, NANCY, J., P.N. 107059 (CASE #05-3392); JONES, TRACY, D., P.N. 105947 (CASE #06-1858); WEYGANDT, MELISSA, S., R.N. 328567 (CASE #06-0994); REESE, BELYNDA, J., P.N. 090576 (CASE #05-3349); BREZINE, COLLEEN, M., R.N. 207998 (CASE #04-0442); TURNER, COMACEDA, K, P.N. 124129 (CASE #06-1383); MACK, RUTH, A., R.N. 192345 (CASE #05-1001); HALLAS, SHAWN, P., R.N. 328996 (CASE #06-1866); EASTERLIN, SUSAN, L., R.N. 252296 (CASE #05-0894); STERLING, ROSEMARY, , R.N. 192002 (CASE #05-0754); SHORT, JESSICA, S., R.N. 312877 (CASE #06-0391); KENNEDY, THOMAS, H., R.N. 273911 (CASE #05-0738); HANLON, JONATHAN, A., P.N. 124125 (CASE #06-1766); PERRY, DAWN, R., R.N. 299361 (CASE #03-0074); SMITH, TRISHIA, R., P.N. 110207 (CASE #05-2127); STEVENS, GRETCHEN, M., P.N. 124128 (CASE #06-2033); BROWNING, SARAH, J., P.N. 124120 (CASE #06-1578); KERR, CHRISTINA, M., R.N. 240259 (CASE #06-0703); OSBURN, ANGIE, M., R.N. 306147 (CASE #06-2359); MAGNOLIA, CHRISTINE, E., P.N. 124127 (CASE #06-1734); GARCIA, MALAEA, , P.N. 124124 (CASE #06-0749); SNYDER, SHERYL, L., R.N. 185761 (CASE #05-3162); BYERS, ELAINA, M., P.N. 100904 (CASE #06-0788); CODNER, MONICA, C., R.N. 288202 (CASE #05-2164); WILLIAMSON, SUSAN, L, P.N. 088512 (CASE #03-1371); HAMILTON, SHARI, L., R.N. 328997 (CASE #06-0961); STRAUSBURG, CAROLYN, M, R.N. 165137 (CASE #05-3546); MAHAN, MONICA, L., P.N. 065427 (CASE #06-1608); SOTO, LYNN, N., R.N. 187356 (CASE #06-0334); COOPER, KARA, D., P.N. 103545 (CASE #06-1055); HOPSON, MARCHELLE, L., P.N. 124126 (CASE #06-1832); VAUGHT, TRACY, L., P.N. 107919 (CASE #05-2884); MCDERMOTT, DONNA, L., R.N. 258093 (CASE #06-1119); GUITARD, KATHIE, S., P.N. ENDORSE (CASE #06-1639); FERNS, LADONNA, M., P.N. 044189 (CASE #04-0692); FIELDING, COBY, J., P.N. 109665 (CASE #05-0575); THOMAS, DAVID, E., R.N. 230010 (CASE #06-1385); HATFIELD, LISA, A., R.N. 246649 (CASE #04-1843); WALDEN, SHARI, K., P.N. 079036 (CASE #04-2734); MISKAR, NICOLE, R., R.N. 305031 (CASE #04-0918); WELLS, CHRISTINA, M., R.N. 328999 (CASE #06-1746); SMITH, TONNIA, R., P.N. 106111 (CASE #06-0640); LEVY, LORI, C., P.N. 096620 (CASE #05-0951); SOLSKY, PATRICIA, E., R.N. 115221 (CASE #06-1770); COOK, MICHELLE, L., P.N. 110774 (CASE #06-0757); SPURLOCK, TERESA, L., P.N. 101457 (CASE #05-3095); ABDULLAH, AALIYAH, R., P.N. 111304 (CASE #06-0587); MUENNICH, JOY, A., R.N. 313240 (CASE #06-0472); BROWN, KATHEY, A, P.N. 103560 (CASE #05-0709); SANCHEZ, ELIZABETH, E., P.N. 071002 (CASE #05-0601); HIRSCHFELD, BARBARA,

J., R.N. 223847 (CASE #06-2459); CALES, JODIE, L., P.N. 124121 (CASE #06-1818); MOORE, SHELIA, V., R.N. NCLEX (CASE #06-1103) AND TAYLOR, LORI, M., R.N. 283396 (CASE #06-0199).

ANNE BARNETT OPPOSED ON THE FOLLOWING CASE(S): WEYGANDT, MELISSA, S., R.N. 328567 (CASE #06-0994); MAGNOLIA, CHRISTINE, E., P.N. 124127 (CASE #06-1734) AND JAKUBOWSKI, ZENITH, A., R.N. 288784 (CASE #05-3080).

JANET L. BOECKMAN ABSTAINED ON THE FOLLOWING CASE: WEYGANDT, MELISSA, S., R.N. 328567 (CASE #06-0994).

JUDITH BRACHMAN OPPOSED ON THE FOLLOWING CASE(S): BUSH-COTTLE, IRIS, A, P.N. 071765 (CASE #03-1287); GARRETT, P., R.N. 274365 (CASE #06-1794); RANKIN, WENDY, J., P.N. 123872 (CASE #06-1720); WALDROP, LISA, D., P.N. 112517 (CASE #06-0717); KELLY, A., P.N. 124122 (CASE #06-1596); BREZINE, COLLEEN, M., R.N. 207998 (CASE #04-0442); SMITH, TRISHIA, R., P.N. 110207 (CASE #05-2127); KERR, CHRISTINA, M., R.N. 240259 (CASE #06-0703) AND VAUGHT, TRACY, L., P.N. 107919 (CASE #05-2884).

DEBRA BROADNAX ABSTAINED ON THE FOLLOWING CASE(S): WALDROP, LISA, D., P.N. 112517 (CASE #06-0717) AND KELLY, A., P.N. 124122 (CASE #06-1596).

ELIZABETH BUSCHMANN OPPOSED ON THE FOLLOWING CASE: KERR, CHRISTINA, M., R.N. 240259 (CASE #06-0703).

KATHLEEN DRISROLL OPPOSED ON THE FOLLOWING CASE: HOPSON, MARCHELLE, L., P.N. 124126 (CASE #06-1832).

CYNTHIA KRUEGER ABSTAINED ON THE FOLLOWING CASE(S): PEACE, JEFFERY, S., R.N. 289165 (CASE #05-3089); BOWERS, MARCIA, L., R.N. 246503 (CASE #06-0015) AND WOODS, DIANE, M., R.N. 247355 (CASE #06-0282).

KATHLEEN O'DELL ABSTAINED ON THE FOLLOWING CASE(S): SMITH, TONNIA, R., P.N. 106111 (CASE #06-0640); LEVY, LORI, C., P.N. 096620 (CASE #05-0951); SOLSKY, PATRICIA, E., R.N. 115221 (CASE #06-1770); COOK, MICHELLE, L., P.N. 110774 (CASE #06-0757); SPURLOCK, TERESA, L., P.N. 101457 (CASE #05-3095); ABDULLAH, AALIYAH, R., P.N. 111304 (CASE #06-0587); MUENNICH, JOY, A., R.N. 313240 (CASE #06-0472); BROWN, KATHEY, A, P.N. 103560 (CASE #05-0709); SANCHEZ, ELIZABETH, E., P.N. 071002 (CASE #05-0601); HIRSCHFELD, BARBARA, J., R.N. 223847 (CASE #06-2459); CALES, JODIE, L., P.N. 124121 (CASE #06-1818) AND TAYLOR, LORI, M., R.N. 283396 (CASE #06-0199). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED ON ALL CASES.

Complete copies of the Consent Agreement(s) shall be maintained in the exhibit book for the September 2006 Board meeting.

## **HEARING EXAMINER REPORTS & RECOMMENDATIONS**

### **LUCAS, EVA P.N. 093502 (CASE #05-0036)**

On Friday, September 22, 2006, President Krueger requested that each voting Board member verify that they reviewed in depth all materials pertaining to this matter by saying "yes" or "no" and that any Board member who had not reviewed the materials refrain from participating in the adjudication of the matter.

In the matter of Eva Lucas P.N. 093502 (Case #05-0036); upon hearing affirmative responses from each voting Board member that they reviewed all of the following: Hearing transcript, State's Exhibits and Report and Recommendation.

IT WAS MOVED BY LISA KLENKE, SECONDED BY J. JANE MCFEE, THAT THE BOARD ACCEPT ALL OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND THE RECOMMENDATION IN THE HEARING EXAMINER'S REPORT AND RECOMMENDATION AND THAT EVA LUCAS' LICENSE TO PRACTICE NURSING, AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO IS HEREBY PERMANENTLY REVOKED.

THE BOARD FURTHER ORDERS EVA LUCAS TO SURRENDER HER PRACTICAL NURSE LICENSE #P.N. 093502 AND FRAMEABLE WALL CERTIFICATE IMMEDIATELY.

UPON THIS REPORT AND RECOMMENDATION AND UPON APPROVAL AND CONFIRMATION BY VOTE OF THE BOARD ON THE ABOVE DATE, THE FOLLOWING ORDER IS HEREBY ENTERED ON THE JOURNAL OF THE OHIO BOARD OF NURSING FOR THE ABOVE DATE.

EVA LUCAS' LICENSE TO PRACTICE NURSING, AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO IS HEREBY PERMANENTLY REVOKED.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>nd</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**ALLEN, FRANCESSE RN 237443 (CASE #05-2738)**

On Friday, September 22, 2006, President Krueger requested that each voting Board member verify that they reviewed in depth all materials pertaining to this matter by saying "yes" or "no" and that any Board member who had not reviewed the materials refrain from participating in the adjudication of the matter.

In the matter of Allen, Francesse RN 237443 (Case #05-2738); upon hearing affirmative responses from each voting Board member that they reviewed all of the following: Hearing transcript, Exhibits, closing statements, Report and Recommendation, and Respondent's Objections to the Report and Recommendation.

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY ANNE BARNETT, THAT THE BOARD ACCEPT ALL OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND THE RECOMMENDATION IN THE HEARING EXAMINER'S REPORT AND RECOMMENDATION FOR PERMANENT REVOCATION BASED UPON THE VIOLATION OF R.C. 4723.28(B)(12), O.A.C. 4723-4-06(K) AND O.A.C. 4723-4-06(H); PERMANENT REVOCATION BASED UPON THE VIOLATION OF O.A.C. 4723-4-06(E) AND O.A.C. 4723-4-06(G); AND PERMANENT REVOCATION BASED UPON THE VIOLATION OF R.C. 4723.28(B)(26) AND THAT FRANCESSE ALLEN'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IN THE STATE OF OHIO IS HEREBY PERMANENTLY REVOKED.

THE BOARD FURTHER ORDERS FRANCESSE ALLEN TO SURRENDER HER REGISTERED NURSE LICENSE R.N. 237443 AND FRAMEABLE WALL CERTIFICATE IMMEDIATELY.

UPON THIS REPORT AND RECOMMENDATION AND UPON APPROVAL AND CONFIRMATION BY VOTE OF THE BOARD ON THE ABOVE DATE, THE FOLLOWING ORDER IS HEREBY ENTERED ON THE JOURNAL OF THE OHIO BOARD OF NURSING FOR THE ABOVE DATE.

FRANCESSE ALLEN'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IN THE STATE OF OHIO IS HEREBY PERMANENTLY REVOKED.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>nd</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**PROPER, MICHELLE RN 256349 (CASE #04-2750)**

In the matter of Proper, Michelle RN 256349 (Case #04-2750); upon hearing affirmative responses from each voting Board member that they reviewed all of the following: Hearing transcript, State's Exhibits, Respondent's Exhibits, Report and Recommendation, and Respondent's objections to the Report and Recommendation.

IT WAS MOVED BY ANNE BARNETT, SECONDED BY KATHLEEN DRISCOLL, THAT THE BOARD ACCEPT ALL OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND MODIFY THE RECOMMENDATION IN THE HEARING EXAMINER'S REPORT AND RECOMMENDATION AND THAT MICHELE PROPER'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IN THE STATE OF OHIO IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAT TWO (2) YEARS WITH A STAY OF EIGHTEEN (18) MONTHS OF THE SUSPENSION AND WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW. MS. PROPER MAY SUBMIT A WRITTEN REQUEST FOR REINSTATEMENT ANYTIME AFTER MARCH 2007. FOLLOWING REINSTATEMENT, MS. PROPER SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW UNDER A STAYED SUSPENSION FOR A MINIMUM PERIOD OF TWO (2) YEARS AND THE TEMPORARY PRACTICE RESTRICTIONS SET FORTH BELOW. THE RATIONALE FOR THE MODIFICATION IS BASED UPON MITIGATING EVIDENCE THAT INCLUDED LETTERS OF SUPPORT, MS. PROPER INFORMING HER SUPERVISOR THAT SHE WAS HAVING PROBLEMS STAYING AWAKE, AND THE FACT THAT MS. PROPER WAS CLOSE TO THE END OF COMPLETING THE ALTERNATIVE PROGRAM.

UPON THIS REPORT AND RECOMMENDATION WITH THE ABOVE NOTED MODIFICATION AND UPON APPROVAL AND CONFIRMATION BY VOTE OF THE BOARD ON THE ABOVE DATE, THE FOLLOWING ORDER IS HEREBY ENTERED ON THE JOURNAL OF THE OHIO BOARD OF NURSING FOR THE ABOVE DATE.

MS. PROPER'S LICENSE IS SUSPENDED FOR A MINIMUM PERIOD OF SIX (6) MONTHS WITH CONDITIONS FOR REINSTATEMENT SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. PROPER SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. PROPER SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. PROPER SHALL ABSTAIN COMPLETELY FROM THE PERSONAL USE OR POSSESSION OF DRUGS, EXCEPT THOSE PRESCRIBED, ADMINISTERED, OR DISPENSED TO HIM/HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. PROPER'S HISTORY. MS. PROPER SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. PROPER SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL. PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. PROPER SHALL, AT HIS/HER OWN EXPENSE, SEEK 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. PROPER SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MS. PROPER 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. PROPER 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. PROPER'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF SIX (6) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. PROPER SHALL SUBMIT, AT HIS/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. PROPER'S INITIATION OF DRUG SCREENING, REFUSAL TO SUBMIT SUCH SPECIMEN, OR FAILURE TO SUBMIT SUCH SPECIMEN ON THE DAY HE/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. PROPER SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HIM/HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. PROPER'S HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MS. PROPER INITIATING DRUG SCREENING, MS. PROPER 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. PROPER.

AFTER INITIATING DRUG SCREENING, MS. PROPER 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. PROPER 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.

MS. PROPER SHALL SUCCESSFULLY COMPLETE AND SUBMIT SATISFACTORY DOCUMENTATION OF HER SUCCESSFUL COMPLETION OF THE FOLLOWING CONTINUING NURSING EDUCATION: TEN (10) OF DOCUMENTATION; FIVE (5) HOURS OF ETHICS; AND FIVE (5) HOURS OF TIME MANAGEMENT.

MS. PROPER SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**REPORTING REQUIREMENTS OF MS. PROPER**

MS. PROPER SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MS. PROPER SHALL SUBMIT ANY AND ALL INFORMATION THAT THE BOARD MAY REQUEST REGARDING HIS/HER ABILITY TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING PRACTICE.

MS. PROPER 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.

MS. PROPER 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.

MS. PROPER 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.

MS. PROPER SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. PROPER SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

#### **DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. PROPER SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. PROPER HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. PROPER IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. PROPER AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MS. PROPER SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF TWO (2) YEARS.

MS. PROPER SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. PROPER SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

#### **MONITORING**

MS. PROPER SHALL ABSTAIN COMPLETELY FROM THE PERSONAL USE OR POSSESSION OF DRUGS, EXCEPT THOSE PRESCRIBED, ADMINISTERED, OR DISPENSED TO HIM/HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. PROPER'S HISTORY. MS. PROPER SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. PROPER SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

MS. PROPER SHALL SUBMIT, AT HIS/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 HE/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. PROPER SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HIM/HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. PROPER'S HISTORY.

**TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MS. PROPER 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. PROPER 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.

MS. PROPER 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. PROPER THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. PROPER SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. PROPER SHALL NOTIFY THE BOARD.

MS. PROPER SHALL HAVE HIS/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. PROPER SHALL PROVIDE HIS/HER EMPLOYER(S) WITH A COPY OF THIS ORDER AND SHALL HAVE HIS/HER EMPLOYER(S) SEND DOCUMENTATION

TO THE BOARD, ALONG WITH THE FIRST EMPLOYER REPORT, OF RECEIPT OF A COPY OF THIS ORDER. FURTHER, MS. PROPER IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. PROPER**

MS. PROPER SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. PROPER SHALL SUBMIT ANY AND ALL INFORMATION THAT THE BOARD MAY REQUEST REGARDING HIS/HER ABILITY TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING PRACTICE.

MS. PROPER 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.

MS. PROPER 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.

MS. PROPER 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.

MS. PROPER SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. PROPER 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.

IF REQUESTED BY THE BOARD OR ITS DESIGNEE, PRIOR TO WORKING AS A NURSE, MS. PROPER SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**TEMPORARY PRACTICE RESTRICTION(S)**

MS. PROPER 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) AS A NURSE 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. PROPER TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. PROPER IS PROHIBITED FROM WORKING NIGHTSHIFT.

MS. PROPER MUST HAVE REGISTERED NURSE SUPERVISOR ON-SITE DURING HER WORK HOURS.

MS. PROPER SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING, 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. PROPER'S SUSPENSION WILL BE LIFTED AND MS. PROPER'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. PROPER HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. PROPER VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HIS/HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. PROPER 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. PROPER HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. PROPER IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. PROPER AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. PROPER 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 MICHELE PROPER TO SURRENDER HER REGISTERED NURSE LICENSE #R.N. 256349 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>nd</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**SOHL, SANDRA PN NCLEX (CASE #05-2797)**

On Thursday, September 21, 2006 Sandra Sohl and her attorney Jim McGovern addressed the Board regarding the Hearing Officer's Report and Recommendation. AAG Kathleen Bockbrader, JD, also addressed the Board members.

On Friday, September 22, 2006, President Krueger requested that each voting Board member verify that they reviewed in depth all materials pertaining to this matter by saying "yes" or "no" and that any Board member who had not reviewed the materials refrain from participating in the adjudication of the matter.

In the matter of Sohl, Sandra PN NCLEX (Case #05-2797); upon hearing affirmative Hearing transcript, State's Exhibits, Respondent's Exhibits, Report and Recommendation, Motion to Admit Judgment Entry, and Objections to the Report and Recommendation.

IT WAS MOVED BY JANET L. BOECKMAN, SECONDED BY J. JANE MCFEE, THAT THE BOARD GRANT THE MOTION TO ADMIT MS. SOHL'S EXPUNGEMENT RECORDS AND TO ACCEPT ALL OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND THE RECOMMENDATION AS STATED ON PAGE 12 OF THE HEARING EXAMINER'S REPORT AND RECOMMENDATION AND THAT SANDRA SOHL'S APPLICATION TO TAKE THE EXAMINATION TO PRACTICE AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO IS HEREBY GRANTED. FURTHER, MS. SOHL WILL BE GRANTED A LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO AFTER THE BOARD RECEIVES DOCUMENTATION THAT MS. SOHL HAS PASSED THE NCLEX. THE LICENSE SHALL BE GRANTED SUBJECT TO A STAYED SUSPENSION FOR A MINIMUM PERIOD OF TWO (2) YEARS WITH THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW.

UPON THIS REPORT AND RECOMMENDATION AND UPON APPROVAL AND CONFIRMATION BY VOTE OF THE BOARD ON THE ABOVE DATE, THE FOLLOWING ORDER IS HEREBY ENTERED ON THE JOURNAL OF THE OHIO BOARD OF NURSING FOR THE ABOVE DATE.

MS. SOHL SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS UNDER A STAYED SUSPENSION FOR A MINIMUM PERIOD OF TWO (2) YEARS.

MS. SOHL SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. SOHL SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. SOHL SHALL ABSTAIN COMPLETELY FROM THE PERSONAL USE OR POSSESSION OF DRUGS, EXCEPT THOSE PRESCRIBED, ADMINISTERED, OR DISPENSED TO HIM/HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. SOHL'S HISTORY. MS. SOHL SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. SOHL SHALL, AT HER OWN EXPENSE, SEEK A PSYCHIATRIC EVALUATION BY A BOARD APPROVED PSYCHIATRIST AND SHALL PROVIDE THE BOARD WITH COMPLETE DOCUMENTATION OF THIS EVALUATION. PRIOR TO THE EVALUATION, MS. SOHL SHALL PROVIDE THE PSYCHIATRIST PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MS. SOHL SHALL EXECUTE RELEASES TO PERMIT THE PSYCHIATRIST PROFESSIONAL TO OBTAIN ANY INFORMATION DEEMED APPROPRIATE AND NECESSARY FOR THE EVALUATION. THE PSYCHIATRIST SHALL SUBMIT A WRITTEN OPINION TO THE BOARD THAT INCLUDES DIAGNOSES AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. SOHL 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. SOHL'S LICENSE.

MS. SOHL 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. SOHL SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. SOHL'S HISTORY.

**TREATING PRACTITIONERS AND REPORTING**

WITHIN THIRTY (30) DAYS PRIOR TO INITIATING DRUG SCREENING, MS. SOHL 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. SOHL 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.

MS. SOHL 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. SOHL THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. SOHL SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. SOHL SHALL NOTIFY THE BOARD.

MS. SOHL SHALL HAVE HIS/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. SOHL SHALL PROVIDE HIS/HER EMPLOYER(S) WITH A COPY OF THIS ORDER AND SHALL HAVE HIS/HER EMPLOYER(S) SEND DOCUMENTATION TO THE BOARD, ALONG WITH THE FIRST EMPLOYER REPORT, OF RECEIPT OF A COPY OF THIS ORDER. FURTHER, MS. SOHL IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. SOHL**

MS. SOHL SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. SOHL SHALL SUBMIT ANY AND ALL INFORMATION THAT THE BOARD MAY REQUEST REGARDING HIS/HER ABILITY TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING PRACTICE.

MS. SOHL 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.

MS. SOHL 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.

MS. SOHL 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.

MS. SOHL SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. SOHL SHALL INFORM THE BOARD WITHIN FIVE (5) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN EMPLOYMENT STATUS OR OF ANY CHANGE IN RESIDENTIAL OR HOME ADDRESS OR TELEPHONE NUMBER.

**TEMPORARY PRACTICE RESTRICTION(S)**

MS. SOHL 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) AS A NURSE 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. SOHL TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. SOHL SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING, 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. SOHL'S SUSPENSION WILL BE LIFTED AND MS. SOHL'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. SOHL HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. SOHL VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HIS/HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. SOHL 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. SOHL HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. SOHL IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. SOHL AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. SOHL 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 CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>nd</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**MULLINS, PAMELA PN NCLEX (CASE #05-1407)**

On Friday, September 22, 2006, President Krueger requested that each voting Board member verify that they reviewed in depth all materials pertaining to this matter by saying "yes" or "no" and that any Board member who had not reviewed the materials refrain from participating in the adjudication of the matter.

In the matter of Mullins, Pamela PN NCLEX (Case #05-1407); upon hearing affirmative responses from each voting Board member that they reviewed all of the following: Hearing transcript, State's Exhibits, letter from Respondent, and Report and Recommendation.

IT WAS MOVED BY KATHLEEN DRISCOLL, SECONDED BY ANNE BARNETT, THAT THE BOARD ACCEPT ALL OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND THE RECOMMENDATION IN THE HEARING EXAMINER'S

REPORT AND RECOMMENDATION AND THAT PAMELA MULLINS' APPLICATION FOR LICENSURE BY EXAMINATION TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO IS HEREBY DENIED FOR A PERIOD OF THREE (3) YEARS.

UPON THIS REPORT AND RECOMMENDATION AND UPON APPROVAL AND CONFIRMATION BY VOTE OF THE BOARD ON THE ABOVE DATE, THE FOLLOWING ORDER IS HEREBY ENTERED ON THE JOURNAL OF THE OHIO BOARD OF NURSING FOR THE ABOVE DATE.

PAMELA MULLINS' APPLICATION FOR LICENSURE BY EXAMINATION TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO IS HEREBY DENIED FOR A PERIOD OF THREE (3) YEARS.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>nd</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

#### **NO REQUESTS FOR HEARING CASES**

##### **HESLER, SUZANNE, L, P.N. 077118 (CASE #03-1400)**

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, IN THE MATTER OF SUZANNE HESLER, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. HESLER IN THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MS. HESLER 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. HESLER'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAN TWO (2) YEARS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW AND FOLLOWING REINSTATEMENT, MS. HESLER SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW UNDER A STAYED SUSPENSION FOR A MINIMUM PERIOD OF THREE (3) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS AND TEMPORARY NARCOTIC RESTRICTIONS SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. HESLER SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. HESLER SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. HESLER 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. HESLER'S HISTORY. MS. HESLER SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. HESLER SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. HESLER SHALL, AT HER OWN EXPENSE, SEEK 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. HESLER SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MS. HESLER 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. HESLER 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. HESLER'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. HESLER 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. HESLER'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. HESLER SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. HESLER'S HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MS. HESLER INITIATING DRUG SCREENING, MS. HESLER 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. HESLER.

AFTER INITIATING DRUG SCREENING, MS. HESLER 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. HESLER 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.

MS. HESLER 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. HESLER SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

**REPORTING REQUIREMENTS OF MS. HESLER**

MS. HESLER SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MS. HESLER 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.

MS. HESLER 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.

MS. HESLER 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.

MS. HESLER 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.

MS. HESLER SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. HESLER SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MS. HESLER SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

#### **DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. HESLER SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. HESLER HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. HESLER IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. HESLER AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MS. HESLER SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF THREE (3) YEARS.

MS. HESLER SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. HESLER SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

#### **MONITORING**

MS. HESLER 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. HESLER'S HISTORY. MS. HESLER SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. HESLER SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL. MS. HESLER 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. HESLER SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. HESLER'S HISTORY.

MS. HESLER 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. HESLER SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

#### **TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MS. HESLER 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. HESLER 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.

MS. HESLER 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. HESLER THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. HESLER SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

#### **EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. HESLER SHALL NOTIFY THE BOARD.

MS. HESLER 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. HESLER SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MS. HESLER IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. HESLER**

MS. HESLER SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. HESLER 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.

MS. HESLER 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.

MS. HESLER 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.

MS. HESLER 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.

MS. HESLER SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. HESLER 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.

PRIOR TO WORKING AS A NURSE, MS. HESLER SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**TEMPORARY NARCOTIC RESTRICTION**

MS. HESLER SHALL NOT ADMINISTER, HAVE ACCESS TO, OR POSSESS (EXCEPT AS PRESCRIBED FOR MS. HESLER'S USE BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. HESLER'S HISTORY ANY NARCOTICS, OTHER CONTROLLED SUBSTANCES, OR MOOD ALTERING DRUGS FOR A MINIMUM OF ONE (1) YEAR IN WHICH MS. HESLER IS WORKING IN A POSITION THAT REQUIRES A NURSING LICENSE. AT ANY TIME AFTER THE ONE (1) YEAR PREVIOUSLY DESCRIBED, MS. HESLER MAY SUBMIT A WRITTEN REQUEST TO THE BOARD TO HAVE THIS RESTRICTION RE-EVALUATED. IN ADDITION, MS. HESLER SHALL NOT POSSESS OR CARRY ANY WORK KEYS FOR LOCKED MEDICATION CARTS, CABINETS, DRAWERS, OR CONTAINERS. MS. HESLER SHALL NOT COUNT NARCOTICS.

**PERMANENT PRACTICE RESTRICTIONS**

MS. HESLER 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) AS A NURSE 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. HESLER TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. HESLER SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING, 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. HESLER'S SUSPENSION SHALL BE LIFTED AND MS. HESLER'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. HESLER HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. HESLER VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. HESLER 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. HESLER HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. HESLER IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. HESLER AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. HESLER 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 SUZANNE HESLER TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #P.N. 077118 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>nd</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**BARNHILL, BOBBIE, R.N. 297917 (CASE #05-0834)**

IT WAS MOVED BY PATRICIA BURNS, SECONDED BY KATHLEEN O'DELL, IN THE MATTER OF BOBBIE BARNHILL, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. BARNHILL IN THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MS. BARNHILL 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 THAT MS. BARNHILL'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAN TWO (2) YEARS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW AND FOLLOWING REINSTATEMENT, MS. BARNHILL SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW UNDER A STAYED SUSPENSION FOR A MINIMUM PERIOD OF THREE (3) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS AND PERMANENT NARCOTIC RESTRICTIONS SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. BARNHILL SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. BARNHILL SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. BARNHILL 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. BARNHILL'S HISTORY. MS. BARNHILL SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. BARNHILL SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. BARNHILL SHALL, AT HER OWN EXPENSE, SEEK 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. BARNHILL SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MS. BARNHILL 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. BARNHILL 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. BARNHILL'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. BARNHILL 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. BARNHILL'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. BARNHILL SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. BARNHILL'S HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MS. BARNHILL INITIATING DRUG SCREENING, MS. BARNHILL 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. BARNHILL.

AFTER INITIATING DRUG SCREENING, MS. BARNHILL 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. BARNHILL 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. MS. BARNHILL 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. BARNHILL SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

**REPORTING REQUIREMENTS OF MS. BARNHILL**

MS. BARNHILL SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MS. BARNHILL 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.

MS. BARNHILL 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.

MS. BARNHILL 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.

MS. BARNHILL 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.

MS. BARNHILL SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. BARNHILL SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MS. BARNHILL SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**PSYCHIATRIC EVALUATION & TREATMENT**

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. BARNHILL SHALL, AT HER OWN EXPENSE, SEEK A PSYCHIATRIC EVALUATION FROM A BOARD APPROVED PSYCHIATRIST AND SHALL PROVIDE THE BOARD WITH COMPLETE DOCUMENTATION OF SUCH EVALUATION. PRIOR TO THE EVALUATION, MS. BARNHILL SHALL PROVIDE THE PSYCHIATRIST WITH A COPY OF THIS ORDER 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. BARNHILL'S LICENSE, AND A STATEMENT AS TO WHETHER MS. BARNHILL IS CAPABLE OF PRACTICING NURSING ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE.

MS. BARNHILL SHALL PROVIDE THE BOARD WITH SATISFACTORY DOCUMENTATION OF COMPLIANCE WITH ALL ASPECTS OF THE TREATMENT PLAN DEVELOPED BY THE PROFESSIONAL UNTIL RELEASED. FURTHER, THE BOARD MAY USE THE PROFESSIONAL RECOMMENDATIONS AND CONCLUSIONS FROM THE EVALUATION AS A BASIS FOR ADDITIONAL TERMS, CONDITIONS, LIMITATIONS ON MS. BARNHILL'S LICENSE.

**DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. BARNHILL SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. BARNHILL HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. BARNHILL IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. BARNHILL AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MS. BARNHILL SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF THREE (3) YEARS.

MS. BARNHILL SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. BARNHILL SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. BARNHILL 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. BARNHILL'S HISTORY. MS. BARNHILL SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. BARNHILL SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

MS. BARNHILL 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. BARNHILL SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. BARNHILL'S HISTORY.

MS. BARNHILL 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. BARNHILL SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

**TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MS. BARNHILL 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. BARNHILL 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.

MS. BARNHILL 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. BARNHILL THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. BARNHILL SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. BARNHILL SHALL NOTIFY THE BOARD.

MS. BARNHILL 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. BARNHILL SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MS. BARNHILL IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. BARNHILL**

MS. BARNHILL SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. BARNHILL 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.

MS. BARNHILL 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.

MS. BARNHILL 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.

MS. BARNHILL 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.

MS. BARNHILL SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. BARNHILL 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.

PRIOR TO WORKING AS A NURSE, MS. BARNHILL SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**PERMANENT NARCOTIC RESTRICTION**

MS. BARNHILL SHALL NOT ADMINISTER, HAVE ACCESS TO, OR POSSESS (EXCEPT AS PRESCRIBED FOR MS. BARNHILL'S USE BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. BARNHILL'S HISTORY ANY NARCOTICS, OTHER CONTROLLED SUBSTANCES, OR MOOD ALTERING DRUGS. IN ADDITION, MS. BARNHILL SHALL NOT POSSESS OR CARRY ANY WORK KEYS FOR LOCKED MEDICATION CARTS, CABINETS, DRAWERS, OR CONTAINERS. MS. BARNHILL SHALL NOT COUNT NARCOTICS.

**PERMANENT PRACTICE RESTRICTIONS**

MS. BARNHILL 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) AS A NURSE 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. BARNHILL TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. BARNHILL SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING, 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. BARNHILL'S SUSPENSION SHALL BE LIFTED AND MS. BARNHILL'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. BARNHILL HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. BARNHILL VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. BARNHILL 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. BARNHILL HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. BARNHILL IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. BARNHILL AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. BARNHILL 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 BOBBIE BARNHILL TO SURRENDER HER REGISTERED NURSE LICENSE #R.N. 297917 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>nd</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**PETERSHEIM, RUTH, E., P.N. 093445 (CASE #05-2819)**

IT WAS MOVED BY KATHLEEN O'DELL, SECONDED BY PATRICIA BURNS, IN THE MATTER OF RUTH PETERSHEIM, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. PETERSHEIM IN THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MS. PETERSHEIM 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 HEREBY ORDERS THAT MS. PETERSHEIM'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAN TWO (2) YEARS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW AND FOLLOWING REINSTATEMENT, MS. PETERSHEIM SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF THREE (3) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS AND PERMANENT NARCOTIC RESTRICTIONS SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. PETERSHEIM SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. PETERSHEIM SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. PETERSHEIM 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. PETERSHEIM'S HISTORY. MS. PETERSHEIM SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. PETERSHEIM SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. PETERSHEIM

SHALL, AT HER OWN EXPENSE, SEEK 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. PETERSHEIM SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MS. PETERSHEIM 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. PETERSHEIM 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. PETERSHEIM'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. PETERSHEIM 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. PETERSHEIM'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. PETERSHEIM SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. PETERSHEIM'S HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MS. PETERSHEIM INITIATING DRUG SCREENING, MS. PETERSHEIM 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. PETERSHEIM.

AFTER INITIATING DRUG SCREENING, MS. PETERSHEIM 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. PETERSHEIM 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.

MS. PETERSHEIM 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. PETERSHEIM SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

**REPORTING REQUIREMENTS OF MS. PETERSHEIM**

MS. PETERSHEIM SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MS. PETERSHEIM 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.

MS. PETERSHEIM 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.

MS. PETERSHEIM 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.

MS. PETERSHEIM 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.

MS. PETERSHEIM SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. PETERSHEIM SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MS. PETERSHEIM SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. PETERSHEIM SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. PETERSHEIM HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. PETERSHEIM IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. PETERSHEIM AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MS. PETERSHEIM SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF THREE (3) YEARS.

MS. PETERSHEIM SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. PETERSHEIM SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. PETERSHEIM 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. PETERSHEIM'S HISTORY. MS. PETERSHEIM SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. PETERSHEIM SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

MS. PETERSHEIM 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. PETERSHEIM SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. PETERSHEIM'S HISTORY.

MS. PETERSHEIM 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. PETERSHEIM SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

### **TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MS. PETERSHEIM 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. PETERSHEIM 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.

MS. PETERSHEIM 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. PETERSHEIM THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. PETERSHEIM SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

### **EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. PETERSHEIM SHALL NOTIFY THE BOARD.

MS. PETERSHEIM 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. PETERSHEIM SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MS. PETERSHEIM IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. PETERSHEIM**

MS. PETERSHEIM SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. PETERSHEIM 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.

MS. PETERSHEIM 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.

MS. PETERSHEIM 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.

MS. PETERSHEIM 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.

MS. PETERSHEIM SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. PETERSHEIM 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.

PRIOR TO WORKING AS A NURSE, MS. PETERSHEIM SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**PERMANENT NARCOTIC RESTRICTION**

MS. PETERSHEIM SHALL NOT ADMINISTER, HAVE ACCESS TO, OR POSSESS (EXCEPT AS PRESCRIBED FOR MS. PETERSHEIM'S USE BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. PETERSHEIM'S HISTORY ANY NARCOTICS, OTHER CONTROLLED SUBSTANCES, OR MOOD ALTERING DRUGS. IN ADDITION, MS. PETERSHEIM SHALL NOT POSSESS OR CARRY ANY WORK KEYS FOR LOCKED MEDICATION CARTS, CABINETS, DRAWERS, OR CONTAINERS. MS. PETERSHEIM SHALL NOT COUNT NARCOTICS.

**PERMANENT PRACTICE RESTRICTIONS**

MS. PETERSHEIM 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) AS A NURSE 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. PETERSHEIM TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. PETERSHEIM SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING, 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.

MS. PETERSHEIM SHALL NOT, WHILE WORKING AS A NURSE, CALL IN OR ORDER PRESCRIPTION MEDICATIONS OR PRESCRIPTION REFILLS.

**FAILURE TO COMPLY**

THE STAY OF MS. PETERSHEIM'S SUSPENSION SHALL BE LIFTED AND MS. PETERSHEIM'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. PETERSHEIM HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. PETERSHEIM VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. PETERSHEIM 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. PETERSHEIM HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. PETERSHEIM IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. PETERSHEIM AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. PETERSHEIM 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 RUTH PETERSHEIM TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #P.N. 093445 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>nd</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**BUCKNER, O. C., P.N. 101943 (CASE #04-2688)**

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY JANET L. BOECKMAN, IN THE MATTER OF O.C. BUCKNER, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MR. BUCKNER IN THE NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MR. BUCKNER 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 HEREBY ORDERS THAT MR. BUCKNER'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO IS HEREBY PERMANENTLY REVOKED.

THE BOARD FURTHER ORDERS O.C. BUCKNER TO SURRENDER HIS LICENSED PRACTICAL NURSE LICENSE #P.N. 010943 AND FRAMEABLE WALL CERTIFICATE IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>nd</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**ABERNATHY, TRACY, L., P.N. 095739 (CASE #04-1480)**

IT WAS MOVED BY JUDITH BRACHMAN, SECONDED BY DEBRA BROADNAX, IN THE MATTER OF TRACY ABERNATHY, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. ABERNATHY IN THE NOTICE OF OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MS. ABERNATHY 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 HEREBY ORDERS THAT MS. ABERNATHY'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAN THREE (3) YEARS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW AND FOLLOWING REINSTATEMENT, MS. ABERNATHY SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF THREE (3) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS AND PERMANENT NARCOTIC RESTRICTIONS SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. ABERNATHY SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. ABERNATHY SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. ABERNATHY 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. ABERNATHY'S HISTORY. MS. ABERNATHY SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. ABERNATHY SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. ABERNATHY SHALL, AT HER OWN EXPENSE, SEEK 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. ABERNATHY SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MS. ABERNATHY 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. ABERNATHY 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. ABERNATHY'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. ABERNATHY 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. ABERNATHY'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. ABERNATHY SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. ABERNATHY'S HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MS. ABERNATHY INITIATING DRUG SCREENING, MS. ABERNATHY 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. ABERNATHY.

AFTER INITIATING DRUG SCREENING, MS. ABERNATHY 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. ABERNATHY 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.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. ABERNATHY 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. ABERNATHY SHALL PROVIDE

SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

**REPORTING REQUIREMENTS OF MS. ABERNATHY**

MS. ABERNATHY SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MS. ABERNATHY 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.

MS. ABERNATHY 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.

MS. ABERNATHY 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.

MS. ABERNATHY 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.

MS. ABERNATHY SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. ABERNATHY SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MS. ABERNATHY SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. ABERNATHY SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. ABERNATHY HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. ABERNATHY IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. ABERNATHY AND REVIEW OF THE DOCUMENTATION

SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MS. ABERNATHY SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF THREE (3) YEARS.

MS. ABERNATHY SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. ABERNATHY SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. ABERNATHY 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. ABERNATHY'S HISTORY. MS. ABERNATHY SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. ABERNATHY SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL. MS. ABERNATHY 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. ABERNATHY SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. ABERNATHY'S HISTORY.

MS. ABERNATHY 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. ABERNATHY SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

**TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MS. ABERNATHY 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. ABERNATHY 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.

MS. ABERNATHY 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. ABERNATHY THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. ABERNATHY SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

#### **EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. ABERNATHY SHALL NOTIFY THE BOARD.

MS. ABERNATHY 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. ABERNATHY SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MS. ABERNATHY IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

#### **REPORTING REQUIREMENTS OF MS. ABERNATHY**

MS. ABERNATHY SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. ABERNATHY 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.

MS. ABERNATHY 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.

MS. ABERNATHY 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.

MS. ABERNATHY 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.

MS. ABERNATHY SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. ABERNATHY 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.

PRIOR TO WORKING AS A NURSE, MS. ABERNATHY SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**PERMANENT NARCOTIC RESTRICTIONS**

MS. ABERNATHY SHALL NOT ADMINISTER, HAVE ACCESS TO, OR POSSESS (EXCEPT AS PRESCRIBED FOR MS. ABERNATHY'S USE BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. ABERNATHY'S HISTORY) ANY NARCOTICS, OTHER CONTROLLED SUBSTANCES, OR MOOD ALTERING DRUGS. IN ADDITION, MS. ABERNATHY SHALL NOT COUNT NARCOTICS OR POSSESS OR CARRY ANY WORK KEYS FOR LOCKED MEDICATION CARTS, CABINETS, DRAWERS, OR CONTAINERS. MS. ABERNATHY SHALL NOT CALL IN OR ORDER PRESCRIPTIONS OR PRESCRIPTION REFILLS.

**PERMANENT PRACTICE RESTRICTIONS**

MS. ABERNATHY 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) AS A NURSE 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. ABERNATHY TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. ABERNATHY SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING, 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. ABERNATHY'S SUSPENSION SHALL BE LIFTED AND MS. ABERNATHY'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. ABERNATHY HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. ABERNATHY VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. ABERNATHY 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. ABERNATHY HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. ABERNATHY IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. ABERNATHY AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. ABERNATHY 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 TRACY ABERNATHY TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #P.N. 095739 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>ND</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**RUBY, PATRICIA, K., P.N. 108420 (CASE #05-1883)**

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY KATHLEEN DRISCOLL, IN THE MATTER OF PATRICIA RUBY, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. RUBY IN THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MS. RUBY 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 HEREBY ORDERS THAT MS. RUBY'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAN THREE (3) YEARS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW AND FOLLOWING REINSTATEMENT, MS. RUBY SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF THREE (3) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS AND PERMANENT NARCOTIC RESTRICTIONS SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. RUBY SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. RUBY SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. RUBY 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. RUBY'S HISTORY OF CHEMICAL DEPENDENCY. MS. RUBY SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. RUBY SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

NOT LESS THAN TWELVE (12) MONTHS PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. RUBY SHALL, AT HER OWN EXPENSE, SEEK 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. RUBY SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MS. RUBY 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. RUBY 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. RUBY'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. RUBY 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. RUBY'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. RUBY SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. RUBY'S HISTORY OF CHEMICAL DEPENDENCY.

WITHIN THIRTY (30) DAYS PRIOR TO MS. RUBY INITIATING DRUG SCREENING, MS. RUBY 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. RUBY.

AFTER INITIATING DRUG SCREENING, MS. RUBY 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. RUBY 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.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. RUBY 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. RUBY SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

**REPORTING REQUIREMENTS OF MS. RUBY**

MS. RUBY SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD. MS. RUBY 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.

MS. RUBY 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.

MS. RUBY 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.

MS. RUBY 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.

MS. RUBY SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. RUBY SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MS. RUBY SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. RUBY SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. RUBY HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. RUBY IS ABLE

TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. RUBY AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MS. RUBY SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF THREE (3) YEARS.

MS. RUBY SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. RUBY SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. RUBY 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. RUBY'S HISTORY OF CHEMICAL DEPENDENCY. MS. RUBY SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. RUBY SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

MS. RUBY 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. RUBY SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. RUBY'S HISTORY OF CHEMICAL DEPENDENCY.

MS. RUBY 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. RUBY SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

**TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MS. RUBY 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. RUBY 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.

MS. RUBY 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. RUBY THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. RUBY SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. RUBY SHALL NOTIFY THE BOARD.

MS. RUBY 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. RUBY SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MS. RUBY IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. RUBY**

MS. RUBY SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. RUBY 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.

MS. RUBY 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.

MS. RUBY 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.

MS. RUBY 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.

MS. RUBY SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. RUBY 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.

PRIOR TO WORKING AS A NURSE, MS. RUBY SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**PERMANENT NARCOTIC RESTRICTIONS**

MS. RUBY SHALL NOT ADMINISTER, HAVE ACCESS TO, OR POSSESS (EXCEPT AS PRESCRIBED FOR MS. RUBY'S USE BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. RUBY'S HISTORY OF CHEMICAL DEPENDENCY) ANY NARCOTICS, OTHER CONTROLLED SUBSTANCES, OR MOOD ALTERING DRUGS. IN ADDITION, MS. RUBY SHALL NOT COUNT NARCOTICS OR POSSESS OR CARRY ANY WORK KEYS FOR LOCKED MEDICATION CARTS, CABINETS, DRAWERS, OR CONTAINERS. MS. RUBY SHALL NOT CALL IN OR ORDER PRESCRIPTIONS OR PRESCRIPTION REFILLS.

**PERMANENT PRACTICE RESTRICTIONS**

MS. RUBY 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) AS A NURSE 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. RUBY

TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. RUBY SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING, 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**

THEY STAY OF MS. RUBY'S SUSPENSION SHALL BE LIFTED AND MS. RUBY'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. RUBY HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. RUBY VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. RUBY 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. RUBY HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. RUBY IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. RUBY AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. RUBY 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 PATRICIA RUBY TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #P.N. 108420 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>ND</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**MOONDA, DONNA, J., R.N. 177462 (CASE #05-1384)**

IT WAS MOVED BY KATHLEEN DRISCOLL, SECONDED BY ELIZABETH BUSCHMANN, IN THE MATTER OF DONNA MOONDA, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. MOONDA IN THE NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MS. MOONDA 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 HEREBY ORDERS THAT MS. MOONDA'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAN THREE (3) YEARS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW AND FOLLOWING REINSTATEMENT, MS. MOONDA SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF THREE (3) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS AND PERMANENT NARCOTIC RESTRICTIONS SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. MOONDA SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. MOONDA SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. MOONDA 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. MOONDA'S HISTORY OF CHEMICAL DEPENDENCY. MS. MOONDA SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. MOONDA SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL. PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. MOONDA SHALL, AT HER OWN EXPENSE, SEEK 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. MOONDA SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MS. MOONDA 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. MOONDA 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. MOONDA'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. MOONDA 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. MOONDA'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. MOONDA SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. MOONDA'S HISTORY OF CHEMICAL DEPENDENCY.

WITHIN THIRTY (30) DAYS PRIOR TO MS. MOONDA INITIATING DRUG SCREENING, MS. MOONDA 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. MOONDA.

AFTER INITIATING DRUG SCREENING, MS. MOONDA 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. MOONDA 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.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. MOONDA 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. MOONDA SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. MOONDA SHALL, AT HER OWN EXPENSE, SEEK A PSYCHIATRIC EVALUATION FROM A BOARD APPROVED PSYCHIATRIST AND SHALL PROVIDE THE BOARD WITH COMPLETE DOCUMENTATION OF SUCH EVALUATION. PRIOR TO THE EVALUATION, MS. MOONDA SHALL PROVIDE THE PSYCHIATRIST WITH A COPY OF THIS ORDER 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. MOONDA'S LICENSE, AND A STATEMENT AS TO WHETHER MS. MOONDA IS CAPABLE OF PRACTICING NURSING ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE.

MS. MOONDA SHALL PROVIDE THE BOARD WITH SATISFACTORY DOCUMENTATION OF COMPLIANCE WITH ALL ASPECTS OF THE TREATMENT PLAN DEVELOPED BY THE PROFESSIONAL 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. MOONDA'S LICENSE.

**REPORTING REQUIREMENTS OF MS. MOONDA**

MS. MOONDA SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD. MS. MOONDA 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.

MS. MOONDA 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.

MS. MOONDA 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.

MS. MOONDA 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.

MS. MOONDA SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. MOONDA SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MS. MOONDA SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

#### **DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. MOONDA SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. MOONDA HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. MOONDA IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. MOONDA AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MS. MOONDA SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF THREE (3) YEARS.

MS. MOONDA SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. MOONDA SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

#### **MONITORING**

MS. MOONDA 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. MOONDA'S HISTORY OF CHEMICAL DEPENDENCY. MS. MOONDA SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE

MANNER PRESCRIBED.

MS. MOONDA SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

MS. MOONDA 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. MOONDA SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. MOONDA'S HISTORY OF CHEMICAL DEPENDENCY.

MS. MOONDA 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. MOONDA SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

#### **TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MS. MOONDA 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. MOONDA 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.

MS. MOONDA 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. MOONDA THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. MOONDA SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. MOONDA SHALL NOTIFY THE BOARD.

MS. MOONDA 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. MOONDA SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MS. MOONDA IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. MOONDA**

MS. MOONDA SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. MOONDA 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.

MS. MOONDA 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.

MS. MOONDA 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.

MS. MOONDA 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.

MS. MOONDA SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. MOONDA 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.

PRIOR TO WORKING AS A NURSE, MS. MOONDA SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**PERMANENT NARCOTIC RESTRICTIONS**

MS. MOONDA SHALL NOT ADMINISTER, HAVE ACCESS TO, OR POSSESS (EXCEPT AS PRESCRIBED FOR MS. MOONDA'S USE BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. MOONDA'S HISTORY OF CHEMICAL DEPENDENCY) ANY NARCOTICS, OTHER CONTROLLED SUBSTANCES, OR MOOD ALTERING DRUGS. IN ADDITION, MS. MOONDA SHALL NOT COUNT NARCOTICS OR POSSESS OR CARRY ANY WORK KEYS FOR LOCKED MEDICATION CARTS, CABINETS, DRAWERS, OR CONTAINERS. MS. MOONDA SHALL NOT CALL IN OR ORDER PRESCRIPTIONS OR PRESCRIPTION REFILLS.

**PERMANENT PRACTICE RESTRICTIONS**

MS. MOONDA 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) AS A NURSE 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. MOONDA TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. MOONDA SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING, 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. MOONDA'S SUSPENSION SHALL BE LIFTED AND MS. MOONDA'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. MOONDA HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. MOONDA VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. MOONDA 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. MOONDA HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. MOONDA IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. MOONDA AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. MOONDA 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 DONNA MOONDA TO SURRENDER HER REGISTERED NURSE LICENSE #R.N. 177462 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>ND</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**CONLEY, BRENDA, C., P.N. 108079 (CASE #03-1009)**

IT WAS MOVED BY ANNE BARNETT, SECONDED BY LISA KLENKE, IN THE MATTER OF BRENDA CONLEY, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. CONLEY IN THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MS. CONLEY 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 THAT MS. CONLEY'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO IS HEREBY PERMANENTLY REVOKED.

THE BOARD FURTHER ORDERS BRENDA CONLEY TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #P.N. 108079 AND FRAMEABLE WALL CERTIFICATE IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>ND</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**CARD, SINTHIA, B., P.N. NCLEX (CASE #05-3388)**

IT WAS MOVED BY LISA KLENKE, SECONDED BY ANNE BARNETT, IN THE MATTER OF SINTHIA CARD, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. CARD IN THE NOTICE OF OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MS. CARD 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 HEREBY ORDERS THAT SINTHIA CARD'S APPLICATION FOR LICENSURE BY EXAMINATION TO PRACTICE AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO IS HEREBY GRANTED SUBJECT TO THE FOLLOWING: MS. CARD SHALL BE GRANTED A LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO AFTER SUBMISSION OF A COMPLETED APPLICATION; PASSING THE NCLEX; AND SUCCESSFUL COMPLETION OF THE REQUIREMENTS OF HER INTERVENTION IN LIEU. THE LICENSE SHALL BE GRANTED SUBJECT TO A MINIMUM TWO (2) YEAR STAYED SUSPENSION AND THE TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW.

**PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS**

MS. CARD SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. CARD SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. CARD 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. CARD'S HISTORY. MS. CARD SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. CARD SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

MS. CARD 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. CARD SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. CARD'S HISTORY.

**TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MS. CARD 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. CARD 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.

MS. CARD 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. CARD THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. CARD SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. CARD SHALL NOTIFY THE BOARD.

MS. CARD 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. CARD SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MS. CARD IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. CARD**

MS. CARD SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. CARD 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.

MS. CARD 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.

MS. CARD 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.

MS. CARD 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.

MS. CARD SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. CARD SHALL INFORM THE BOARD WITHIN FIVE (5) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN EMPLOYMENT STATUS OR OF ANY CHANGE IN RESIDENTIAL OR HOME ADDRESS OR TELEPHONE NUMBER.

**TEMPORARY NARCOTIC RESTRICTION**

MS. CARD SHALL NOT ADMINISTER, HAVE ACCESS TO, OR POSSESS (EXCEPT AS PRESCRIBED FOR MS. CARD'S USE BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. CARD'S HISTORY ANY NARCOTICS, OTHER CONTROLLED SUBSTANCES, OR MOOD ALTERING DRUGS. IN ADDITION, MS. CARD SHALL NOT POSSESS OR CARRY ANY WORK KEYS FOR LOCKED MEDICATION CARTS, CABINETS, DRAWERS, OR CONTAINERS. MS. CARD SHALL NOT COUNT NARCOTICS.

**TEMPORARY PRACTICE RESTRICTIONS**

MS. CARD 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) AS A NURSE 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. CARD TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. CARD SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING, 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. CARD'S SUSPENSION SHALL BE LIFTED AND MS. CARD'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. CARD HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. CARD VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. CARD 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. CARD HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. CARD IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. CARD AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. CARD 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 CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>ND</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**MANES, JACKIE, L., R.N. 241267 (CASE #06-0607)**

IT WAS MOVED BY TERESA WILLIAMS, SECONDED BY JANET L. BOECKMAN, IN THE MATTER OF JACKIE MANES, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. MANES IN THE NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MS. MANES 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 HEREBY ORDERS THAT MS. MANES' LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAN ONE (1) YEAR WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW AND FOLLOWING REINSTATEMENT, MS. MANES SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF TWO (2) YEARS.

**TERMS AND CONDITIONS FOR REINSTATEMENT**

MS. MANES SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. MANES SHALL APPEAR IN PERSON FOR AN INTERVIEW BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE, AS REQUESTED BY THE BOARD.

**MONITORING**

MS. MANES 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. MANES' HISTORY. MS. MANES SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

FOR A MINIMUM CONTINUOUS PERIOD OF TWELVE (12) MONTHS PRIOR TO REINSTATEMENT, MS. MANES 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 THAT MS. MANES SUBMITS SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. MANES' HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MS. MANES INITIATING DRUG SCREENING, MS. MANES 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. MANES.

AFTER INITIATING DRUG SCREENING, MS. MANES 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. MANES 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.

MS. MANES SHALL, AT HER OWN EXPENSE, SEEK A PSYCHIATRIC EVALUATION BY A BOARD APPROVED PSYCHIATRIST AND SHALL PROVIDE THE BOARD WITH COMPLETE DOCUMENTATION OF THIS EVALUATION. PRIOR TO THE EVALUATION, MS. MANES SHALL PROVIDE THE PSYCHIATRIST PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MS. MANES SHALL EXECUTE RELEASES TO PERMIT THE PSYCHIATRIST PROFESSIONAL TO OBTAIN ANY INFORMATION DEEMED APPROPRIATE AND NECESSARY FOR THE EVALUATION. THE PSYCHIATRIST SHALL SUBMIT A WRITTEN OPINION TO THE BOARD THAT INCLUDES DIAGNOSES AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. MANES 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. MANES' LICENSE.

**REPORTING REQUIREMENTS OF MS. MANES**

MS. MANES SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MS. MANES 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.

MS. MANES 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.

MS. MANES 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.

MS. MANES 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.

MS. MANES SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. MANES SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

#### **DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. MANES SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. MANES HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. MANES IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. MANES AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

#### **PROBATIONARY TERMS, CONDITIONS AND LIMITATIONS**

MS. MANES SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. MANES SHALL APPEAR IN PERSON FOR AN INTERVIEW BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE, AS REQUESTED BY THE BOARD.

#### **MONITORING**

MS. MANES 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. MANES' HISTORY. MS. MANES SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. MANES 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 THAT MS. MANES SUBMITS SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. MANES' HISTORY.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. MANES SHALL NOTIFY THE BOARD.

MS. MANES 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. MANES SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MS. MANES IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF LICENSEE**

MS. MANES SHALL REPORT TO THE BOARD IN WRITING, ANY VIOLATION OF THIS ORDER WITHIN THIRTY (30) DAYS OF THE OCCURRENCE OF THE VIOLATION.

MS. MANES SHALL SUBMIT ANY AND ALL INFORMATION, WHICH THE BOARD OR ITS DESIGNEE MAY REQUEST, REGARDING HER ABILITY TO PRACTICE NURSING ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE.

MS. MANES 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.

MS. MANES 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.

MS. MANES SHALL SUBMIT ALL DOCUMENTATION REQUIRED BY THIS ORDER OR REQUESTED BY THE BOARD TO THE ATTENTION OF THE MONITORING UNIT, OHIO BOARD OF NURSING, 17 SOUTH HIGH STREET, SUITE 400, COLUMBUS, OH 43215-7410.

MS. MANES SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. MANES 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.

#### **FAILURE TO COMPLY**

THE STAY OF MS. MANES' SUSPENSION SHALL BE LIFTED AND MS. MANES' LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. MANES HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THE ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. MANES VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. MANES MAY REQUEST A HEARING REGARDING THE CHARGES.

THE ABOVE DESCRIBED TERMS AND CONDITIONS SHALL CONSTITUTE "RESTRICTIONS PLACED ON A LICENSE" FOR PURPOSES OF SECTION 4723.28(B), ORC. IF, IN THE DISCRETION OF THE BOARD, MS. MANES APPEARS TO HAVE VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THE ORDER, THE BOARD RESERVES THE RIGHT TO INSTITUTE FORMAL DISCIPLINARY PROCEEDINGS FOR ANY AND ALL POSSIBLE VIOLATIONS OR BREACHES, INCLUDING, BUT NOT LIMITED TO, ALLEGED VIOLATIONS OF THE LAWS OF OHIO OCCURRING BEFORE THE EFFECTIVE DATE OF THIS ORDER.

#### **DURATION/MODIFICATION OF TERMS**

THE BOARD SHALL ONLY ALTER THE PROBATIONARY PERIOD IMPOSED BY THIS ORDER IF: (1) MS. MANES HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. MANES IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING BASED UPON AN INTERVIEW WITH MS. MANES AND REVIEW OF THE REPORTS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. MANES 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 JACKIE MANES TO SURRENDER HER REGISTERED NURSE LICENSE #R.N. 177462 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>ND</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**TOLLIVER, MELISSA, D., P.N. 098062 (CASE #04-1957)**

IT WAS MOVED BY JANET L. BOECKMAN, SECONDED BY J. JANE MCFEE, IN THE MATTER OF MELISSA TOLLIVER, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. TOLLIVER IN THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MS. TOLLIVER 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 HEREBY ORDERS THAT MS. TOLLIVER'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAN THREE (3) YEARS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW AND FOLLOWING REINSTATEMENT, MS. TOLLIVER SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF THREE (3) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS AND PERMANENT NARCOTIC RESTRICTIONS SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. TOLLIVER SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. TOLLIVER SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

IN ADDITION TO THE CONTINUING NURSING EDUCATION REQUIRED FOR LICENSURE RENEWAL, MS. TOLLIVER SHALL SUCCESSFULLY COMPLETE, AND SUBMIT DOCUMENTATION OF SATISFACTORY COMPLETION OF THE FOLLOWING CONTINUING NURSING EDUCATION PRIOR TO REQUESTING

REINSTATEMENT: TWENTY (20) HOURS OF DOCUMENTATION.

**MONITORING**

MS. TOLLIVER 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. TOLLIVER'S HISTORY. MS. TOLLIVER SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED. MS. TOLLIVER SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. TOLLIVER SHALL, AT HER OWN EXPENSE, SEEK 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. TOLLIVER SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MS. TOLLIVER 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. TOLLIVER 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. TOLLIVER'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. TOLLIVER 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. TOLLIVER'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. TOLLIVER SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL

KNOWLEDGE OF MS. TOLLIVER'S HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MS. TOLLIVER INITIATING DRUG SCREENING, MS. TOLLIVER 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. TOLLIVER.

AFTER INITIATING DRUG SCREENING, MS. TOLLIVER 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. TOLLIVER 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.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. TOLLIVER 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. TOLLIVER SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. TOLLIVER SHALL, AT HER OWN EXPENSE, SEEK A PSYCHIATRIC EVALUATION FROM A BOARD APPROVED PSYCHIATRIST AND SHALL PROVIDE THE BOARD WITH COMPLETE DOCUMENTATION OF SUCH EVALUATION. PRIOR TO THE EVALUATION, MS. TOLLIVER SHALL PROVIDE THE PSYCHIATRIST WITH A COPY OF THIS ORDER 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. TOLLIVER'S LICENSE, AND A STATEMENT AS TO WHETHER MS. TOLLIVER IS CAPABLE OF PRACTICING NURSING ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE.

MS. TOLLIVER SHALL PROVIDE THE BOARD WITH SATISFACTORY DOCUMENTATION OF COMPLIANCE WITH ALL ASPECTS OF THE TREATMENT PLAN DEVELOPED BY THE PROFESSIONAL UNTIL RELEASED. FURTHER, MS. TOLLIVER AGREES THAT THE BOARD MAY USE THE PROFESSIONAL RECOMMENDATIONS AND CONCLUSIONS FROM THE EVALUATION AS A BASIS FOR ADDITIONAL TERMS, CONDITIONS, LIMITATIONS ON MS. TOLLIVER'S LICENSE AND THAT THE TERMS, CONDITIONS, AND LIMITATIONS SHALL BE INCORPORATED IN AN ADDENDUM TO THIS ORDER.

**REPORTING REQUIREMENTS OF MS. TOLLIVER**

MS. TOLLIVER SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MS. TOLLIVER 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.

MS. TOLLIVER 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.

MS. TOLLIVER 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.

MS. TOLLIVER 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.

MS. TOLLIVER SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. TOLLIVER SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MS. TOLLIVER SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. TOLLIVER SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. TOLLIVER HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. TOLLIVER IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. TOLLIVER AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MS. TOLLIVER SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF THREE (3) YEARS.

MS. TOLLIVER SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. TOLLIVER SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. TOLLIVER 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. TOLLIVER'S HISTORY. MS. TOLLIVER SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. TOLLIVER SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

MS. TOLLIVER 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. TOLLIVER SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. TOLLIVER'S HISTORY.

MS. TOLLIVER 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. TOLLIVER SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

**TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MS. TOLLIVER 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. TOLLIVER 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.

MS. TOLLIVER 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. TOLLIVER THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. TOLLIVER SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. TOLLIVER SHALL NOTIFY THE BOARD.

MS. TOLLIVER 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. TOLLIVER SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MS. TOLLIVER IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. TOLLIVER**

MS. TOLLIVER SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. TOLLIVER 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.

MS. TOLLIVER 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.

MS. TOLLIVER 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.

MS. TOLLIVER 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.

MS. TOLLIVER SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. TOLLIVER 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.

PRIOR TO WORKING AS A NURSE, MS. TOLLIVER SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**PERMANENT NARCOTIC RESTRICTIONS**

MS. TOLLIVER FURTHER KNOWINGLY AND VOLUNTARILY AGREES WITH THE BOARD TO THE FOLLOWING PERMANENT LICENSURE RESTRICTIONS:

MS. TOLLIVER SHALL NOT ADMINISTER, HAVE ACCESS TO, OR POSSESS (EXCEPT AS PRESCRIBED FOR MS. TOLLIVER'S USE BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. TOLLIVER'S HISTORY) ANY NARCOTICS, OTHER CONTROLLED SUBSTANCES, OR MOOD ALTERING DRUGS. IN ADDITION, MS. TOLLIVER SHALL NOT COUNT NARCOTICS OR POSSESS OR CARRY ANY WORK KEYS FOR LOCKED

MEDICATION CARTS, CABINETS, DRAWERS, OR CONTAINERS. MS. TOLLIVER SHALL NOT CALL IN OR ORDER PRESCRIPTIONS OR PRESCRIPTION REFILLS.

**PERMANENT PRACTICE RESTRICTIONS**

MS. TOLLIVER 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) AS A NURSE 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. TOLLIVER TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. TOLLIVER SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING, 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. TOLLIVER'S SUSPENSION SHALL BE LIFTED AND MS. TOLLIVER'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. TOLLIVER HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. TOLLIVER VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. TOLLIVER 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. TOLLIVER HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. TOLLIVER IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. TOLLIVER AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. TOLLIVER 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 MELISSA TOLLIVER TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #P.N. 098062 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>ND</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**DAY, LYNNETTE, M., R.N. 280111 (CASE #05-3085)**

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY LISA KLENKE, IN THE MATTER OF LYNNETTE DAY, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. DAY IN THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MS. DAY 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 HEREBY ORDERS INDEFINITE PERIOD OF TIME BUT NOT LESS THAN TWO (2) YEARS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW AND FOLLOWING REINSTATEMENT, MS. DAY SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF THREE (3) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS AND PERMANENT NARCOTIC RESTRICTIONS SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. DAY SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. DAY SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. DAY 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. DAY'S HISTORY. MS. DAY SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. DAY SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. DAY SHALL, AT HER OWN EXPENSE, SEEK 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. DAY SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MS. DAY 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. DAY 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. DAY'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. DAY 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. DAY'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. DAY SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. DAY'S HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MS. DAY INITIATING DRUG SCREENING, MS. DAY 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. DAY.

AFTER INITIATING DRUG SCREENING, MS. DAY 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. DAY 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. MS. DAY 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. DAY SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

**REPORTING REQUIREMENTS OF MS. DAY**

MS. DAY SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MS. DAY 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.

MS. DAY 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.

MS. DAY 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.

MS. DAY 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.

MS. DAY SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. DAY SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MS. DAY SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. DAY SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. DAY HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. DAY IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. DAY AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MS. DAY SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF THREE (3) YEARS.

MS. DAY SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. DAY SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. DAY 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. DAY'S HISTORY. MS. DAY SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. DAY SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

MS. DAY 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. DAY SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. DAY'S HISTORY.

MS. DAY 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. DAY SHALL PROVIDE

SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

**TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MS. DAY 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. DAY 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.

MS. DAY 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. DAY THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. DAY SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. DAY SHALL NOTIFY THE BOARD.

MS. DAY 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. DAY SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MS. DAY IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. DAY**

MS. DAY SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. DAY 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.

MS. DAY 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.

MS. DAY 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.

MS. DAY 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.

MS. DAY SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. DAY 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.

PRIOR TO WORKING AS A NURSE, MS. DAY SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**PERMANENT NARCOTIC RESTRICTION**

MS. DAY SHALL NOT ADMINISTER, HAVE ACCESS TO, OR POSSESS (EXCEPT AS PRESCRIBED FOR MS. DAY'S USE BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. DAY'S HISTORY ANY NARCOTICS, OTHER CONTROLLED SUBSTANCES, OR MOOD ALTERING DRUGS. IN ADDITION, MS. DAY SHALL NOT POSSESS OR CARRY ANY WORK KEYS FOR LOCKED MEDICATION CARTS, CABINETS, DRAWERS, OR CONTAINERS. MS. DAY SHALL NOT COUNT NARCOTICS.

**PERMANENT PRACTICE RESTRICTIONS**

MS. DAY 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) AS A NURSE 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. DAY TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. DAY SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING, 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**

MS. DAY'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. DAY HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. DAY VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. DAY 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. DAY HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. DAY IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. DAY AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. DAY 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 LYNNETTE DAY TO SURRENDER HER REGISTERED NURSE LICENSE #R.N. 280111 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>ND</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**PFENDER ELKINS, CHRISTINA, M., R.N. 295755 (CASE #05-3181)**

IT WAS MOVED BY PATRICIA BURNS, SECONDED BY KATHLEEN O'DELL, IN THE MATTER OF CHRISTINA PFENDER ELKINS, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. PFENDER ELKINS IN THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MS. PFENDER ELKINS 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 HEREBY ORDERS THAT MS. PFENDER ELKINS' LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAN THREE (3) YEARS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW AND FOLLOWING REINSTATEMENT, MS. PFENDER ELKINS SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF FIVE (5) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS AND PERMANENT NARCOTIC RESTRICTIONS SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. PFENDER ELKINS SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. PFENDER ELKINS SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. PFENDER ELKINS 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. PFENDER ELKINS' HISTORY. MS. PFENDER ELKINS SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. PFENDER ELKINS SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. PFENDER ELKINS SHALL, AT HER OWN EXPENSE, SEEK 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. PFENDER ELKINS SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MS. PFENDER ELKINS 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. PFENDER ELKINS 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. PFENDER ELKINS' LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. PFENDER ELKINS 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. PFENDER ELKINS' 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. PFENDER ELKINS SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. PFENDER ELKINS' HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MS. PFENDER ELKINS INITIATING DRUG SCREENING, MS. PFENDER ELKINS 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. PFENDER ELKINS.

AFTER INITIATING DRUG SCREENING, MS. PFENDER ELKINS 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. PFENDER ELKINS 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.

MS. PFENDER ELKINS 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. PFENDER ELKINS SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

**REPORTING REQUIREMENTS OF MS. PFENDER ELKINS**

MS. PFENDER ELKINS SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MS. PFENDER ELKINS 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.

MS. PFENDER ELKINS 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.

MS. PFENDER ELKINS 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.

MS. PFENDER ELKINS 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.

MS. PFENDER ELKINS SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. PFENDER ELKINS SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MS. PFENDER ELKINS SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**PSYCHIATRIC EVALUATION & TREATMENT**

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. PFENDER ELKINS SHALL, AT HER OWN EXPENSE, SEEK A PSYCHIATRIC EVALUATION FROM A BOARD APPROVED PSYCHIATRIST AND SHALL PROVIDE THE BOARD WITH COMPLETE DOCUMENTATION OF SUCH EVALUATION. PRIOR TO THE EVALUATION, MS. PFENDER ELKINS SHALL PROVIDE THE PSYCHIATRIST WITH A COPY OF THIS ORDER 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. PFENDER ELKINS' LICENSE, AND A STATEMENT AS TO WHETHER MS. PFENDER ELKINS IS CAPABLE OF PRACTICING NURSING ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE.

MS. PFENDER ELKINS SHALL PROVIDE THE BOARD WITH SATISFACTORY DOCUMENTATION OF COMPLIANCE WITH ALL ASPECTS OF THE TREATMENT PLAN DEVELOPED BY THE PROFESSIONAL UNTIL RELEASED. FURTHER, THE BOARD MAY USE THE PROFESSIONAL RECOMMENDATIONS AND CONCLUSIONS FROM THE EVALUATION AS A BASIS FOR ADDITIONAL TERMS, CONDITIONS, LIMITATIONS ON MS. PFENDER ELKINS' LICENSE.

**DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. PFENDER ELKINS SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. PFENDER ELKINS HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. PFENDER ELKINS IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. PFENDER ELKINS AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MS. PFENDER ELKINS SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF FIVE (5) YEARS.

MS. PFENDER ELKINS SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. PFENDER ELKINS SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. PFENDER ELKINS 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. PFENDER ELKINS' HISTORY. MS. PFENDER ELKINS SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. PFENDER ELKINS SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

MS. PFENDER ELKINS 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. PFENDER ELKINS SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. PFENDER ELKINS' HISTORY.

MS. PFENDER ELKINS 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. PFENDER ELKINS SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

**TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MS. PFENDER ELKINS 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. PFENDER ELKINS 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.

MS. PFENDER ELKINS 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. PFENDER ELKINS THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. PFENDER ELKINS SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. PFENDER ELKINS SHALL NOTIFY THE BOARD.

MS. PFENDER ELKINS 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. PFENDER ELKINS SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MS. PFENDER ELKINS IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. PFENDER ELKINS**

MS. PFENDER ELKINS SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. PFENDER ELKINS 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.

MS. PFENDER ELKINS 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.

MS. PFENDER ELKINS 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.

MS. PFENDER ELKINS 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.

MS. PFENDER ELKINS SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. PFENDER ELKINS 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.

PRIOR TO WORKING AS A NURSE, MS. PFENDER ELKINS SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**PERMANENT NARCOTIC RESTRICTION**

MS. PFENDER ELKINS SHALL NOT ADMINISTER, HAVE ACCESS TO, OR POSSESS (EXCEPT AS PRESCRIBED FOR MS. PFENDER ELKINS' USE BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. PFENDER ELKINS' HISTORY ANY NARCOTICS, OTHER CONTROLLED SUBSTANCES, OR MOOD ALTERING DRUGS. IN ADDITION, MS. PFENDER ELKINS SHALL NOT POSSESS OR CARRY ANY WORK KEYS FOR LOCKED MEDICATION CARTS, CABINETS, DRAWERS, OR CONTAINERS. MS. PFENDER ELKINS SHALL NOT COUNT NARCOTICS.

**PERMANENT PRACTICE RESTRICTIONS**

MS. PFENDER ELKINS 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) AS A NURSE 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. PFENDER ELKINS TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. PFENDER ELKINS SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING, 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. PFENDER ELKINS' SUSPENSION SHALL BE LIFTED AND MS. PFENDER ELKINS' LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. PFENDER ELKINS HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. PFENDER ELKINS VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. PFENDER ELKINS 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. PFENDER ELKINS HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. PFENDER ELKINS IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. PFENDER ELKINS AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. PFENDER ELKINS 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 CHRISTINA PFENDER ELKINS TO SURRENDER HER REGISTERED NURSE LICENSE #R.N. 295755 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>ND</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE ABSTAINED. J. JANE MCFEE WAS ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**WALLACE, CATHERINE, E., P.N. 111074 (CASE #05-2558)**

IT WAS MOVED BY KATHLEEN O'DELL, SECONDED BY DEBRA BROADNAX, IN THE MATTER OF CATHERINE WALLACE, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. WALLACE IN THE NOTICE OF IMMEDIATE 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 IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING AND THE OHIO BOARD OF

NURSING HEREBY ORDERS THAT MS. WALLACE'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAN FIVE (5) YEARS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW AND FOLLOWING REINSTATEMENT, MS. WALLACE SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF FIVE (5) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS AND PERMANENT NARCOTIC RESTRICTIONS SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. WALLACE SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. WALLACE SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

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.

MS. WALLACE SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. WALLACE SHALL, AT HER OWN EXPENSE, SEEK 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. 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

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.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. WALLACE SHALL SUBMIT, AT HER EXPENSE AND ON THE WALLACE 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.

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.

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.

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**

MS. WALLACE SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD. 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.

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.

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.

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.

MS. WALLACE SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. WALLACE SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MS. WALLACE SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**PSYCHIATRIC EVALUATION & TREATMENT**

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. WALLACE SHALL, AT HER OWN EXPENSE, SEEK A PSYCHIATRIC EVALUATION FROM A BOARD APPROVED PSYCHIATRIST AND SHALL PROVIDE THE BOARD WITH COMPLETE DOCUMENTATION OF SUCH EVALUATION. PRIOR TO THE EVALUATION, MS. WALLACE SHALL PROVIDE THE PSYCHIATRIST WITH A COPY OF THIS ORDER 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. 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.

MS. WALLACE SHALL PROVIDE THE BOARD WITH SATISFACTORY DOCUMENTATION OF COMPLIANCE WITH ALL ASPECTS OF THE TREATMENT PLAN DEVELOPED BY THE PROFESSIONAL UNTIL RELEASED. FURTHER, THE BOARD MAY USE THE PROFESSIONAL RECOMMENDATIONS AND CONCLUSIONS FROM THE EVALUATION AS A BASIS FOR ADDITIONAL TERMS, CONDITIONS, LIMITATIONS ON MS. WALLACE'S LICENSE.

**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; (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 FIVE (5) YEARS.

MS. WALLACE SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. WALLACE SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

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.

MS. WALLACE SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

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.

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**

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.

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.

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**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. WALLACE SHALL NOTIFY THE BOARD.

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 SHALL HAVE HER EMPLOYER(S) SEND DOCUMENTATION TO THE BOARD,

ALONG WITH THE FIRST EMPLOYER REPORT, OF RECEIPT OF A COPY OF THIS ORDER. FURTHER, MS. WALLACE IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. WALLACE**

MS. WALLACE SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

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.

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.

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.

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.

MS. WALLACE SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

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.

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 POSSESS OR CARRY ANY WORK KEYS FOR LOCKED MEDICATION CARTS, CABINETS, DRAWERS, OR CONTAINERS. MS. WALLACE SHALL NOT COUNT NARCOTICS.

**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) AS A NURSE 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, 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 CATHERINE WALLACE TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #P.N. 111074 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>ND</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE ABSTAINED. J. JANE MCFEE WAS ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**EAGLE, RODGER, L., R.N. 233249 (CASE #04-2170)**

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY KATHLEEN O'DELL, IN THE MATTER OF RODGER EAGLE, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MR. EAGLE IN THE NOTICE OF OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MR. EAGLE 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 HEREBY ORDERS THAT MR. EAGLE'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IS HEREBY PERMANENTLY REVOKED.

THE BOARD FURTHER ORDERS RODGER EAGLE TO SURRENDER HIS REGISTERED NURSE LICENSE #R.N. 233249 AND FRAMEABLE WALL CERTIFICATE IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>ND</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE ABSTAINED. J. JANE MCFEE WAS ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**HELTON, JENNIFER, L., P.N. 102807 (CASE #05-2673)**

IT WAS MOVED BY JANET L. BOECKMAN, SECONDED BY DEBRA BROADNAX, IN THE MATTER OF JENNIFER HELTON, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. ELTON IN THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MS. HELTON 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 HEREBY ORDERS THAT MS. HELTON'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAN THREE (3) YEARS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW AND FOLLOWING REINSTATEMENT, MS. HELTON SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF FIVE (5) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS AND PERMANENT NARCOTIC RESTRICTIONS SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MS. HELTON SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. HELTON SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MS. HELTON 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. HELTON'S HISTORY. MS. HELTON SHALL SELF-ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. HELTON SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. HELTON SHALL, AT HER OWN EXPENSE, SEEK 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. HELTON SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MS. HELTON 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. HELTON 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. HELTON'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MS. HELTON SHALL SUBMIT, AT HER EXPENSE AND ON THE WALLACE 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. HELTON'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. HELTON SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. HELTON'S HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MS. HELTON INITIATING DRUG SCREENING, MS. HELTON 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. HELTON.

AFTER INITIATING DRUG SCREENING, MS. HELTON 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. HELTON 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.

MS. HELTON 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. HELTON SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

**REPORTING REQUIREMENTS OF MS. HELTON**

MS. HELTON SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD. MS. HELTON 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.

MS. HELTON 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.

MS. HELTON 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.

MS. HELTON 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.

MS. HELTON SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. HELTON SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MS. HELTON SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**PSYCHIATRIC EVALUATION & TREATMENT**

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. HELTON SHALL, AT HER OWN EXPENSE, SEEK A PSYCHIATRIC EVALUATION FROM A BOARD APPROVED PSYCHIATRIST AND SHALL PROVIDE THE BOARD WITH COMPLETE DOCUMENTATION OF SUCH EVALUATION. PRIOR TO THE EVALUATION, MS. HELTON SHALL PROVIDE THE PSYCHIATRIST WITH A COPY OF THIS ORDER 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. HELTON'S LICENSE, AND A STATEMENT AS TO WHETHER MS. HELTON IS CAPABLE OF PRACTICING

NURSING ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE.

MS. HELTON SHALL PROVIDE THE BOARD WITH SATISFACTORY DOCUMENTATION OF COMPLIANCE WITH ALL ASPECTS OF THE TREATMENT PLAN DEVELOPED BY THE PROFESSIONAL UNTIL RELEASED. FURTHER, THE BOARD MAY USE THE PROFESSIONAL RECOMMENDATIONS AND CONCLUSIONS FROM THE EVALUATION AS A BASIS FOR ADDITIONAL TERMS, CONDITIONS, AND LIMITATIONS ON MS. HELTON'S LICENSE.

#### **DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. HELTON SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. HELTON HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. HELTON IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. HELTON AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MS. HELTON SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF FIVE (5) YEARS.

MS. HELTON SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. HELTON SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

#### **MONITORING**

MS. HELTON 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. HELTON'S HISTORY. MS. HELTON SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MS. HELTON SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

MS. HELTON 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. HELTON SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HER BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. HELTON'S HISTORY.

MS. HELTON 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. HELTON SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

#### **TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MS. HELTON 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. HELTON 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.

MS. HELTON 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. HELTON THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. HELTON SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

#### **EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. HELTON SHALL NOTIFY THE BOARD.

MS. HELTON 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. HELTON SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MS. HELTON IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MS. HELTON**

MS. HELTON SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MS. HELTON 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.

MS. HELTON 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.

MS. HELTON 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.

MS. HELTON 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.

MS. HELTON SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. HELTON 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.

PRIOR TO WORKING AS A NURSE, MS. HELTON SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**PERMANENT NARCOTIC RESTRICTION**

MS. HELTON SHALL NOT ADMINISTER, HAVE ACCESS TO, OR POSSESS (EXCEPT AS PRESCRIBED FOR MS. HELTON'S USE BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MS. HELTON'S HISTORY ANY NARCOTICS, OTHER CONTROLLED SUBSTANCES, OR MOOD

ALTERING DRUGS. IN ADDITION, MS. HELTON SHALL NOT POSSESS OR CARRY ANY WORK KEYS FOR LOCKED MEDICATION CARTS, CABINETS, DRAWERS, OR CONTAINERS. MS. HELTON SHALL NOT COUNT NARCOTICS.

**PERMANENT PRACTICE RESTRICTIONS**

MS. HELTON 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) AS A NURSE 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. HELTON TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. HELTON SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING, 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. HELTON'S SUSPENSION SHALL BE LIFTED AND MS. HELTON'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. HELTON HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. HELTON VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. HELTON 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. HELTON HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. HELTON IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. HELTON AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. HELTON 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 HELTON TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #P.N. 102807 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>ND</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE ABSTAINED. J. JANE MCFEE WAS ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**SULLIVAN, ROBERT, P., P.N. 095352 (CASE #04-3033)**

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY KATHLEEN DRISCOLL, IN THE MATTER OF ROBERT SULLIVAN, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MR. SULLIVAN IN THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MR. SULLIVAN 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 HEREBY ORDERS THAT MR. SULLIVAN'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME BUT NOT LESS THAN TWO (2) YEARS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW AND FOLLOWING REINSTATEMENT, MR. SULLIVAN SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF THREE (3) YEARS AND THE PERMANENT PRACTICE RESTRICTIONS AND TEMPORARY NARCOTIC RESTRICTIONS SET FORTH BELOW.

**REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT**

MR. SULLIVAN SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MR. SULLIVAN SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MR. SULLIVAN 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. SULLIVAN'S HISTORY. MR. SULLIVAN SHALL SELF-

ADMINISTER THE PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MR. SULLIVAN SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL. PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MR. SULLIVAN SHALL, AT HIS OWN EXPENSE, SEEK 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. SULLIVAN SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MR. SULLIVAN 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 AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MR. SULLIVAN 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. SULLIVAN'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF TWELVE (12) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MR. SULLIVAN 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. SULLIVAN'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. SULLIVAN SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HIM BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MR. SULLIVAN'S HISTORY.

WITHIN THIRTY (30) DAYS PRIOR TO MR. SULLIVAN INITIATING DRUG SCREENING, MR. SULLIVAN 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. SULLIVAN.

AFTER INITIATING DRUG SCREENING, MR. SULLIVAN 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. SULLIVAN 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.

MR. SULLIVAN 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. SULLIVAN SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD PRIOR TO REINSTATEMENT.

**REPORTING REQUIREMENTS OF MR. SULLIVAN**

MR. SULLIVAN SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MR. SULLIVAN SHALL SUBMIT ANY AND ALL INFORMATION THAT THE BOARD MAY REQUEST REGARDING HIS ABILITY TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING PRACTICE.

MR. SULLIVAN SHALL NOT SUBMIT OR CAUSE TO BE SUBMITTED ANY FALSE, MISLEADING, OR DECEPTIVE STATEMENTS, INFORMATION, OR DOCUMENTATION TO THE BOARD OR TO EMPLOYERS OR POTENTIAL EMPLOYERS.

MR. SULLIVAN 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.

MR. SULLIVAN SHALL SUBMIT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER TO THE ATTENTION OF THE COMPLIANCE UNIT, OHIO BOARD OF NURSING, 17 SOUTH HIGH STREET, SUITE 400, COLUMBUS, OH 43215-7410.

MR. SULLIVAN SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MR. SULLIVAN SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

MR. SULLIVAN SHALL SUBMIT TO A BCI CRIMINAL RECORDS CHECK.

**DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MR. SULLIVAN SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MR. SULLIVAN HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MR. SULLIVAN IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MR. SULLIVAN AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

FOLLOWING REINSTATEMENT, MR. SULLIVAN SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF THREE (3) YEARS.

MR. SULLIVAN SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MR. SULLIVAN SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

**MONITORING**

MR. SULLIVAN 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. SULLIVAN'S HISTORY. MR. SULLIVAN SHALL SELF-ADMINISTER PRESCRIBED DRUGS ONLY IN THE MANNER PRESCRIBED.

MR. SULLIVAN SHALL ABSTAIN COMPLETELY FROM THE USE OF ALCOHOL.

MR. SULLIVAN 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. SULLIVAN SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HIS BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MR. SULLIVAN'S HISTORY.

MR. SULLIVAN 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. SULLIVAN SHALL PROVIDE SATISFACTORY DOCUMENTATION OF SUCH ATTENDANCE TO THE BOARD EVERY SIX (6) MONTHS.

#### **TREATING PRACTITIONERS AND REPORTING**

WITHIN SIXTY (60) DAYS OF THE EXECUTION OF THE PROBATIONARY PERIOD, MR. SULLIVAN 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. SULLIVAN 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.

MR. SULLIVAN 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. SULLIVAN THROUGHOUT THE DURATION OF THIS ORDER.

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MR. SULLIVAN SHALL NOTIFY THE BOARD OF ANY AND ALL MEDICATION(S) OR PRESCRIPTION(S) RECEIVED.

#### **EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MR. SULLIVAN SHALL NOTIFY THE BOARD.

MR. SULLIVAN 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. SULLIVAN SHALL PROVIDE HIS EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MR. SULLIVAN IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF MR. SULLIVAN**

MR. SULLIVAN SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT THE REQUESTED DOCUMENTATION DIRECTLY TO THE BOARD.

MR. SULLIVAN SHALL SUBMIT ANY AND ALL INFORMATION THAT THE BOARD MAY REQUEST REGARDING HIS ABILITY TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING PRACTICE.

MR. SULLIVAN SHALL NOT SUBMIT OR CAUSE TO BE SUBMITTED ANY FALSE, MISLEADING, OR DECEPTIVE STATEMENTS, INFORMATION, OR DOCUMENTATION TO THE BOARD OR TO EMPLOYERS OR POTENTIAL EMPLOYERS.

MR. SULLIVAN 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.

MR. SULLIVAN 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.

MR. SULLIVAN SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MR. SULLIVAN 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.

PRIOR TO WORKING AS A NURSE, MR. SULLIVAN SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

**TEMPORARY NARCOTIC RESTRICTION**

MR. SULLIVAN SHALL NOT ADMINISTER, HAVE ACCESS TO, OR POSSESS (EXCEPT AS PRESCRIBED FOR MR. SULLIVAN'S USE BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MR. SULLIVAN'S HISTORY ANY NARCOTICS, OTHER CONTROLLED SUBSTANCES, OR MOOD ALTERING DRUGS. IN ADDITION, MR. SULLIVAN SHALL NOT POSSESS OR

CARRY ANY WORK KEYS FOR LOCKED MEDICATION CARTS, CABINETS, DRAWERS, OR CONTAINERS. MR. SULLIVAN SHALL NOT COUNT NARCOTICS.

**PERMANENT PRACTICE RESTRICTIONS**

MR. SULLIVAN 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) AS A NURSE 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. SULLIVAN TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MR. SULLIVAN SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING, 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. SULLIVAN'S LICENSE SHALL BE LIFTED AND MR. SULLIVAN'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MR. SULLIVAN HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MR. SULLIVAN VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HIS LICENSE. UPON RECEIPT OF THIS NOTICE, MR. SULLIVAN 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. SULLIVAN HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MR. SULLIVAN IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MR. SULLIVAN AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MR. SULLIVAN 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 ROBERT SULLIVAN TO SURRENDER HIS LICENSED PRACTICAL NURSE LICENSE #P.N. 095352 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>ND</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE ABSTAINED. J. JANE MCFEE WAS ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**EBBERT, JANA, L, R.N. 268720 (CASE #03-1415)**

IT WAS MOVED BY KATHLEEN DRISCOLL, SECONDED BY ANNE BARNETT, IN THE MATTER OF JANA EBBERT, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. EBBERT IN THE NOTICE OF OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES, THE BOARD FINDS THAT MS. EBBERT 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 HEREBY ORDERS THAT MS. EBBERT'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 FOLLOWING REINSTATEMENT, MS. EBBERT SHALL BE SUBJECT TO 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.

**TERMS AND CONDITIONS FOR REINSTATEMENT**

MS. EBBERT SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. EBBERT SHALL APPEAR IN PERSON FOR AN INTERVIEW BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE, AS REQUESTED BY THE BOARD.

MS. EBBERT SHALL SUBMIT SATISFACTORY DOCUMENTATION OF HER COMPLIANCE WITH THE TERMS OF THE WEST VIRGINIA BOARD OF NURSING ACTION.

**MONITORING**

MS. EBBERT SHALL, AT HER OWN EXPENSE, SEEK A PSYCHIATRIC EVALUATION BY A BOARD APPROVED PSYCHIATRIST AND SHALL PROVIDE THE BOARD WITH COMPLETE DOCUMENTATION OF THIS EVALUATION. PRIOR

TO THE EVALUATION, MS. EBBERT SHALL PROVIDE THE PSYCHIATRIST PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MS. EBBERT SHALL EXECUTE RELEASES TO PERMIT THE PSYCHIATRIST PROFESSIONAL TO OBTAIN ANY INFORMATION DEEMED APPROPRIATE AND NECESSARY FOR THE EVALUATION. THE PSYCHIATRIST SHALL SUBMIT A WRITTEN OPINION TO THE BOARD THAT INCLUDES DIAGNOSES AND RECOMMENDATIONS FOR TREATMENT AND MONITORING.

MS. EBBERT 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. EBBERT'S LICENSE.

**REPORTING REQUIREMENTS OF MS. EBBERT**

MS. EBBERT SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

MS. EBBERT 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.

MS. EBBERT 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.

MS. EBBERT 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.

MS. EBBERT 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.

MS. EBBERT SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. EBBERT SHALL INFORM THE BOARD WITHIN THREE (3) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN ADDRESS AND/OR TELEPHONE NUMBER.

**DURATION**

THE BOARD MAY ONLY ALTER THE INDEFINITE SUSPENSION IMPOSED IF: (1) MS. EBBERT SUBMITS A WRITTEN REQUEST FOR REINSTATEMENT; (2) THE BOARD DETERMINES THAT MS. EBBERT HAS COMPLIED WITH ALL CONDITIONS OF REINSTATEMENT; (3) THE BOARD DETERMINES THAT MS. EBBERT IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE BASED UPON AN INTERVIEW WITH MS. EBBERT AND REVIEW OF THE DOCUMENTATION SPECIFIED IN THIS ORDER.

**PROBATIONARY TERMS, CONDITIONS AND LIMITATIONS**

MS. EBBERT SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO.

MS. EBBERT SHALL APPEAR IN PERSON FOR AN INTERVIEW BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE, AS REQUESTED BY THE BOARD.

**EMPLOYMENT CONDITIONS**

PRIOR TO ACCEPTING EMPLOYMENT AS A NURSE, EACH TIME WITH EVERY EMPLOYER, MS. EBBERT SHALL NOTIFY THE BOARD.

MS. EBBERT 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. EBBERT SHALL PROVIDE HER EMPLOYER(S) WITH A COPY OF THIS ORDER 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. FURTHER, MS. EBBERT IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

**REPORTING REQUIREMENTS OF LICENSEE**

MS. EBBERT SHALL REPORT TO THE BOARD IN WRITING, ANY VIOLATION OF THIS ORDER WITHIN THIRTY (30) DAYS OF THE OCCURRENCE OF THE VIOLATION.

MS. EBBERT SHALL SUBMIT ANY AND ALL INFORMATION, WHICH THE BOARD OR ITS DESIGNEE MAY REQUEST, REGARDING HER ABILITY TO PRACTICE NURSING ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE.

MS. EBBERT 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.

MS. EBBERT 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.

MS. EBBERT SHALL SUBMIT ALL DOCUMENTATION REQUIRED BY THIS ORDER OR REQUESTED BY THE BOARD TO THE ATTENTION OF THE MONITORING UNIT, OHIO BOARD OF NURSING, 17 SOUTH HIGH STREET, SUITE 400, COLUMBUS, OH 43215-7410.

MS. EBBERT SHALL VERIFY THAT THE REPORTS AND DOCUMENTATION REQUIRED BY THIS ORDER ARE RECEIVED IN THE BOARD OFFICE.

MS. EBBERT SHALL INFORM THE BOARD WITHIN FIVE (5) BUSINESS DAYS, IN WRITING, OF ANY CHANGE IN EMPLOYMENT STATUS OR OF ANY CHANGE IN RESIDENTIAL OR HOME ADDRESS OR TELEPHONE NUMBER.

**TEMPORARY PRACTICE RESTRICTIONS**

MS. EBBERT 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) AS A NURSE 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. EBBERT TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

MS. EBBERT SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING, 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. EBBERT'S SUSPENSION SHALL BE LIFTED AND MS. EBBERT'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. EBBERT HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THE ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS.

EBBERT VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. EBBERT MAY REQUEST A HEARING REGARDING THE CHARGES.

THE ABOVE DESCRIBED TERMS AND CONDITIONS SHALL CONSTITUTE "RESTRICTIONS PLACED ON A LICENSE" FOR PURPOSES OF SECTION 4723.28(B), ORC. IF, IN THE DISCRETION OF THE BOARD, MS. EBBERT APPEARS TO HAVE VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THE ORDER, THE BOARD RESERVES THE RIGHT TO INSTITUTE FORMAL DISCIPLINARY PROCEEDINGS FOR ANY AND ALL POSSIBLE VIOLATIONS OR BREACHES, INCLUDING, BUT NOT LIMITED TO, ALLEGED VIOLATIONS OF THE LAWS OF OHIO OCCURRING BEFORE THE EFFECTIVE DATE OF THIS ORDER.

**DURATION/MODIFICATION OF TERMS**

THE BOARD SHALL ONLY ALTER THE PROBATIONARY PERIOD IMPOSED BY THIS ORDER IF: (1) MS. EBBERT HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. EBBERT IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING BASED UPON AN INTERVIEW WITH MS. EBBERT AND REVIEW OF THE REPORTS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. EBBERT 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 JANA EBBERT TO SURRENDER HER REGISTERED NURSE LICENSE #R.N. 268720 IMMEDIATELY.

THIS ORDER SHALL BECOME EFFECTIVE IMMEDIATELY UPON THE DATE OF MAILING INDICATED ON THE CERTIFICATE OF SERVICE AND IS HEREBY ENTERED UPON THE JOURNAL OF THE BOARD FOR THE 22<sup>ND</sup> DAY OF SEPTEMBER 2006. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE ABSTAINED. J. JANE MCFEE WAS ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the September 2006 Board meeting.

**GATSKIE, MARY, M., R.N. 101630 (CASE #06-2228)**

IT WAS MOVED BY LISA KLENKE, SECONDED BY ANNE BARNETT, THAT THE BOARD ACCEPT THE PERMANENT VOLUNTARY RETIREMENT FROM THE PRACTICE OF NURSING FOR THE FOLLOWING: GATSKIE, MARY, M., R.N. 101630 (CASE #06-2228). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE ABSTAINED. J. JANE MCFEE WAS ABSENT.

**O'CONNOR, KEVIN, P., R.N. 324377 (CASE #06-1885)**

IT WAS MOVED BY JANET L. BOECKMAN, SECONDED BY KATHLEEN O'DELL, THAT THE BOARD ACCEPT THE PERMANENT VOLUNTARY SURRENDER OF LICENSE FROM THE PRACTICE OF NURSING AND THE PERMANENT WITHDRAWAL OF APPLICATION FOR LICENSURE BY ENDORSEMENT FOR KEVIN O'CONNOR, RN 324377. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. BERTHA LOVELACE ABSTAINED.

**RELEASES/MODIFICATIONS/RESTRICTIONS LIFTS**

IT WAS MOVED BY LISA KLENKE, SECONDED BY J. JANE MCFEE, THAT THE FOLLOWING, HAVING MET THE TERMS AND CONDITIONS OF THEIR CONSENT AGREEMENTS WITH THE BOARD, WITH THE RECOMMENDATION BY BERTHA LOVELACE, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS, BE RELEASED FROM THEIR CONSENT AGREEMENTS: WELLS, MARTHA, B., R.N. 309844 (CASE #03-1058); GORDON, AUYATI, C., P.N. 119272 (CASE #05-0977); LEMASTER, SHANNON, R., R.N. 321441 (CASE #05-1914); TORGLER, MARLA, K., R.N. 186296 (CASE #05-0440); DOBBELAERE, KYLEE, J., P.N. 110972 (CASE #04-2296); PFAHL, KIMBERLEE, L., R.N. 233171 (CASE #04-1260); JUTTE, KATHLEEN, S., R.N. 156008 (CASE #03-0233); DENNLER, PATRICIA, A., R.N. 164838 (CASE #00-0753); MIGLIOZZI, CHRISTOPHER, F., R.N. 285393 (CASE #05-0746); SCHALL, MARY, E., P.N. 120261 (CASE #05-2327); EVANGELISTA, CINDI, M., R.N. 321440 (CASE #05-1671); STECKMAN, AARON, L., R.N. 281284 (CASE #04-2488); RAMGOBIN, VIDIAWATTIE, P.N. 119274 (CASE #04-3028); DUFFIN, JESSICA, D, P.N. 110782 (CASE #04-1173); RANDAZZO, REBECCA, R.N. 162366 (CASE #04-1729); SMALLEY, MARGARET, A., P.N. 069826 (CASE #04-1434); BROWN, CHARMELE, P.N. 118177 (CASE #04-1387); LISS, DANA, J., R.N. 263550 (CASE #04-1252); ALLISON, STEVEN, W., R.N. 294483 (CASE #04-2760); SHEPHERD, CHRISTINA, A., P.N. 103029 (CASE #04-1282) AND HOUSEWORTH, SHARON, S., R.N. 110556 (CASE #03-0091). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE ABSTAINED ON ALL CASES. JUDITH BRACHMAN WAS ABSENT.

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY KATHLEEN O'DELL, THAT THE FOLLOWING, HAVING MET THE TERMS AND CONDITIONS OF THEIR CONSENT AGREEMENTS WITH THE BOARD, BE RELEASED EARLY FROM THE TERMS AND CONDITIONS OF THEIR CONSENT AGREEMENTS. THESE RELEASES HAVE BEEN RECOMMENDED BY BERTHA LOVELACE, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: KOTEFF, BRENDA, L., P.N. 047151 (CASE #99-0560); CILENTI, MARIA, P., P.N. 116502 (CASE #04-2966); COUSE, JENNY, , R.N. 277235 (CASE #03-2065); MATHEWS, NANCY, D, R.N. 143362 (CASE #02-1288); TRAPP, TONI, A., P.N. 112516 (CASE #02-1256); TOOHIG, SUSAN, E., R.N. 139142 (CASE #06-0168); WEAVER, PAULA, J., P.N. 090979 (CASE #04-2063); AND HEESTAND, II, DEAN, E., P.N. 117371 (CASE #05-1216). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE ABSTAINED ON ALL CASES. JUDITH BRACHMAN WAS ABSENT.

IT WAS MOVED BY KATHLEEN O'DELL, SECONDED BY DEBRA BROADNAX, THAT THE FOLLOWING, HAVING MET THE TERMS AND CONDITIONS OF THEIR CONSENT AGREEMENTS WITH THE BOARD, BE RELEASED FROM THE TERMS AND CONDITIONS OF THEIR CONSENT AGREEMENTS, WITH THE EXCEPTION OF THE PERMANENT LICENSURE RESTRICTION(S) THAT WILL REMAIN IN EFFECT. THESE RELEASES HAVE BEEN RECOMMENDED BY BERTHA LOVELACE, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: MANN, LARIKA, L., P.N. 117729 (CASE #04-2610); ROGERS, WILLIAM, J., R.N. 319944 (CASE #05-1102); WILLIAMS, KATHLEEN, L., R.N. 201315 (CASE #05-2712); HAINES, CHRISTINA, R., R.N. 319942 (CASE #05-1441); MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE ABSTAINED ON ALL CASES. JUDITH BRACHMAN WAS ABSENT.

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE FOLLOWING BE RELEASED FROM THEIR NARCOTIC RESTRICTIONS WITHIN THEIR RESPECTIVE CONSENT AGREEMENTS. THESE RELEASES HAVE BEEN RECOMMENDED BY BERTHA LOVELACE, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: GENTER, AMY, B., R.N. 204829 (CASE #04-2695); WARNER, BEVERLY, C., R.N. 228068 (CASE #05-1624); RIES, SISTER JEANNE, C., R.N. 154035 (CASE #04-0308); AND CRAWFORD, TWILA, M, R.N. 227439 (CASE #03-1583). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE ABSTAINED ON ALL CASES. JUDITH BRACHMAN WAS ABSENT.

**MASCHECK, THERESA RN 254843, CASE 06-1311**

IT WAS MOVED BY KATHLEEN DRISCOLL, SECONDED BY ELIZABETH BUSCHMANN, THAT THERESA MASCHECK, RN 254843, HAVING MET THE REQUIREMENTS FOR LICENSE REINSTATEMENT CONTAINED WITHIN THE JULY 21, 2006, ADDENDUM CONSENT AGREEMENT WITH THE BOARD, THERESA MASCHECK'S LICENSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF OHIO BE REINSTATED AND SUBJECT TO THE TERMS AND CONDITIONS OF PROBATION THAT ARE CONTAINED WITHIN THE CONSENT AGREEMENT. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE ABSTAINED. JUDITH BRACHMAN WAS ABSENT.

**OTHER**

**Compliance Protocol For Applicants**

The Board reviewed the proposed Compliance Protocols for Applicants, submitted by L. Ferguson-Ramos. Following review and discussion;

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY KATHLEEN O'DELL, THAT THE BOARD APPROVE THE APPLICANT PROTOCOL, AS SUBMITTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. JUDITH BRACHMAN WAS ABSENT.

### **Criminal Offense Research**

The Board reviewed the Criminal Offense Research memorandum submitted by H. Fischer and L. Ferguson-Ramos that provided information requested by the Board when discussed at the April 2006 Board Retreat.

The memorandum included information about criminal offenses discussed in relation to expanding the list of crimes that would be a bar to licensure and proposed language precluding licensure for a period of ten years following any felony conviction. Revisions could be proposed for Section 4723.09 (B)(2)(b), ORC. If the Board opted to expand the list of criminal offenses that are absolute bars, the language could be drafted so that it applied to felony convictions only or the bar could apply to all violations of the identified statutes irrespective of the penalty.

It was noted that in 2005, the NCSBN Disciplinary Panel studied various approaches to felony convictions as potential bars to licensure. The Panel identified the following crimes as those to consider as permanent bars to licensure:

1. Murder
2. Felonious assault
3. Kidnapping
4. Rape/sexual assault
5. Aggravated robbery
6. Sexual crimes involving children
7. Criminal mistreatment of children or vulnerable adults
8. Exploitation of vulnerable individuals (e.g., financial exploitation in an entrusted role)

ORC Section 4723.09 currently prohibits licensure based upon the felonies involving violent crimes and sexual offenses listed as numbers 1 through 5 above. If the Board chooses to expand the list of automatic bars to licensure, the Board could consider the offenses listed as numbers 6 through 8 above. Other states with absolute felony bar statutes commonly include crimes involving children and/or the elderly. Attached to the memo was a list entitled "Expanded List Of Criminal Absolute Bars To Licensure" and information on "Ten Year Felony Preclusion/Recidivism Research" and additional information compiled for the Board's review.

H. Fischer reviewed the information and asked the Board if they wished to add 6 through 8 to the list of absolute bars or if the Board needed more time to review the material provided before making this decision. K. Driscoll requested more time to review the materials and requested this be discussed at the next meeting.

L. Ferguson-Ramos added that the nursing education programs frequently call for direction from the Board about students who have criminal backgrounds. President Krueger suggested L. Ferguson-Ramos provide the "Compliance Protocols for Applicants" to the nursing education programs to assist them in responding to students.

### **Monitoring Flow Charts and Forms**

The Board received a written memo, updated monitoring forms, and proposed flow charts, submitted by L. Ferguson-Ramos. Following review and discussion;

IT WAS MOVED BY KATHLEEN O'DELL, SECONDED BY J. JANE MCFEE, THAT THE BOARD APPROVE THE UPDATED MONITORING FORMS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. JUDITH BRACHMAN WAS ABSENT.

IT WAS MOVED BY KATHLEEN O'DELL, SECONDED BY J. JANE MCFEE, THAT THE BOARD APPROVE THE PROPOSED FLOW CHARTS FOR ADDITIONAL DRUG SCREENS AND MISSED SCREENS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. JUDITH BRACHMAN WAS ABSENT.

### **Franklinton Career Center DT Training Program**

IT WAS MOVED BY ANNE BARNETT, SECONDED BY LISA KLENKE, THAT THE BOARD ISSUE A NOTICE OF VIOLATION FOR THE FOLLOWING: FRANKLINTON CAREER TECHNOLOGY CENTER DT TRAINING PROGRAM. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE AND DEBRA BRAOADNAX ABSTAINED. JUDITH BRACHMAN WAS ABSENT.

## **REPORTS TO THE BOARD**

### **Board Committee (Task Force) Reports Ohio Center for Nursing**

E. Buschmann highlighted the topics discussed in the meeting. On August 25, 2006, there was a meeting of Ohio workforce centers and interested parties and the participants shared the activities of the centers and ideas. The participants thought it was a good idea to have an Ohio Center for Nursing web site, however each center wants to keep their own identity and agenda. Jane Mahowald from the Ohio League of Nursing, will draft guidelines for the participants to work as a collaborative group. A teleconference is scheduled on October 31, 2006.

The Board Committee discussed conducting a workforce survey. E. Buschmann requested direction from the Board if this committee should continue discussions about conducting another workforce survey. Following discussion, it was agreed by general consent of the Board that this Committee should continue its work on a workforce survey. E. Buschmann reminded the Board that the NCSBN agreed to provide an analysis of the Ohio workforce data.

The committee plans to continue discussions about implementation of the web site and the workforce survey questions and will meet again on November 17, 2006 at noon.

### **Board Committee on Practice**

President Krueger announced that she asked L. Klenke to Chair the meeting. L. Klenke thanked the Board staff who compiled information for the meeting. This Committee discussed two topics and the development of Interpretive Guidelines. The topics of discussion were conservative sharp wound debridement and epidurals. The Committee had good participation from nurses working in practice settings and performing the procedures. A. Barnett offered information on wound debridement. L. Klenke commended L. Emrich and S. Milne on their work. The public participants thanked the Board for convening the Committee.

The committee requested another meeting be held on Thursday, November 16, 2006 at noon. Staff will draft information to be sent out to individuals who participated in the meeting for feedback and discussion at the next meeting.

The Board agreed by general consent to appoint L. Klenke as chairperson to the Board Committee on Practice.

### **Advisory Group Reports**

#### **Nursing Education Advisory Group**

K. Driscoll highlighted the topics discussed in the meeting held on August 10, 2006. B. Houchen attended and reviewed the Board policy on Advisory Groups. This Advisory Group will focus on education issues. C. Snyder provided a legislative update. The group reviewed the proposed education rules (Chapter 5) and recommended many of the changes proposed to the Board. Another meeting is scheduled in October to review the education rules after they are filed with JCARR for a final review. A question was raised about whether current Advisory Group members who had completed two terms could continue as members of the group since the focus is somewhat changed. Following discussion, President Krueger stated the Board would appoint a Board Committee for Advisory Group Appointments and they would address this question.

#### **Dialysis Advisory Group**

D. Broadnax highlighted the topics discussed in the Dialysis Advisory Group meeting held on August 15, 2006. The group reviewed the dialysis rules and identified the laws that may need to be amended to streamline the certification process. An issue was raised regarding the Dialysis Technician examination. The group had requested statistics on pass/fail rates of first-time candidates on the examination administered by BONENT. A letter was sent to BONENT and N. Selders has been taking steps to obtain that information. The Dialysis Advisory Group will meet again in October.

### **Open Forum – 10:00 a.m. Thursday, September 21, 2006**

Representatives from the National Nurses Organizing Committee (NNOC), an affiliate of the California Nurses Association, addressed the Board. Robin Graber, RN, distributed her written presentation to the Board and thanked the Board for their response. She stated she was disappointed with the Board's decision not to adopt an administrative rule using the language NNOC requested. The NNOC representatives requested the Board reconsider its

decision and stated they disagreed with the Board's position that the existing regulatory framework addresses patient advocacy. Caryl Andeen, RN, addressed the Board and shared letters provided by Ohio nurses, describing instances where they felt there was a potential risk for harm to patients due to short staffing and unsafe conditions; and intimidation and harassment by doctors and managers. Deberah Mazala, RN, addressed the Board and discussed patient safety issues relating to nursing shortages and productivity expectations where she works. Board members asked questions for clarification and also provided suggestions to the NNOC representatives to address their issues with their employers or through grievance procedures of the employer.

J. Brachman stated that in their presentation about the patient advocacy role, it appears as though they are the sole advocates and she believes there are also other patient advocates. NNOC representatives stated that they feel employers retaliate against nurses when they advocate for patients and gave examples of being assigned to other units. NNOC believes if the Board adopts the NNOC language in the administrative rules, it will give them the right to be patient advocates. The Board stated that the administrative rules already address patient advocacy by nurses.

B. Lovelace asked whether NNOC believe nurses would no longer be subject to retaliation if the Board adopted the NNOC proposed language. The representatives stated that the Board action they are requesting would not change how employers respond or if the employer retaliates. Ms. Graber stated she believes the problem is the health care system that has become productivity based. B. Lovelace asked if the nurses involved in the situations they had described were given an opportunity to appeal or arbitrate within their facility. The representatives responded they did have an opportunity, but most nurses do not know of the "right of review" process. B. Lovelace stated she believes all facilities have this type of process available.

#### **Update on NCSBN Delegate Assembly**

President Krueger updated the Board on the NCSBN Delegate Assembly held in August. She informed the Board that there were proposed changes to the NCSBN bylaws and there was controversy surrounding those changes. A motion was passed to refer the bylaws back to the NCSBN Bylaws Committee so the Delegate Assembly did not vote on the proposed revisions.

J. Boeckman stated she attended a presentation on APNs and other break out sessions, which were good. J. McFee reported that she attended a presentation on the role of LPNs and the presenter provided the same information in the article on LPNs provided to the Board for this meeting. She encouraged the Board members to read the article. E. Buschmann reported that the sessions were very interesting and educational and it was good to see that some of the programs are already in place in Ohio.

### **Letter Regarding NCSBN Bylaws**

The Board reviewed a draft letter regarding the proposed revisions to the NCSBN bylaws. NCSBN asked states for comments and suggestions to provide further direction to the NCSBN Bylaws Committee. Following discussion, the Board agreed by general consent to send the letter as submitted.

### **Miscellaneous Reports**

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

The Board reviewed information submitted by S. Thacker summarizing awards for the September 1, 2005 through August 31, 2007 grant cycle through the third quarter of the first year. K. Driscoll asked if there would be information about successful strategies and if the programs met their goals. D. Broadnax asked about retention rates. S. Thacker informed the Board that progress reports are due September 30, 2006 and additional information could be provided at the next meeting.

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

The Board received the following items: Letter about the NCSBN Draft APN Vision Paper; The Gallup Poll Evaluation of NLC; Medication Aide Update Report; Discipline Priorities and Guidelines; Processing and Disposition of Complaints; Letter to OBM regarding personnel ceiling; Certified Medication Aide Training Program Audit Tool; Certified Medication Aide Pilot Program Final Data Report; and an *American Journal of Nursing* article on LPNs.

President Krueger stated the Gallup Poll identified the questions the Board asked at the NCSBN Summit in July and for which no answers were provided. The Board asked about ONA seeking an extension of time for the Pilot Program and asked Jan Lanier, ONA, to respond. Ms. Lanier stated that the legislators ONA has talked with are concerned about the low facility participation rate in the Pilot Program.

President Krueger asked for additional questions and comments from the Board and there was no further discussion.

### **NNOC Letter**

It was suggested that another letter be sent to the NNOC in response to their testimony during Open Forum. J. McFee stated she believes the issues and situations presented by NNOC relate to employment situations and the Board does not regulate employment operations. Following discussion, the Board recommended that nurses become educated in the appeal or arbitration processes available to them in the employment setting. L. Klenke stated there are two sides to the issues presented by NNOC because assignments could be unsafe or it may be an assignment the nurse does not agree with but would be competent to perform.

## **BOARD GOVERNANCE**

### **Board Appointments/Reappointments**

B. Houchen stated a letter would be sent to the Governor's office regarding the Board appointments.

### **November Board Dinner**

K. O'Dell reported that she would e-mail Board members about the Board member hospitality fund. For the November dinner to recognize A. Barnett and B. Lovelace, she recommended the Yard Club, the same restaurant as last year, S. Thacker and E. Mays will coordinate invitations for staff members.

### **Board Committee for Advisory Group Appointments**

IT WAS MOVED BY TERESA WILLIAMS, SECONDED BY ELIZABETH BUSCHMANN, THAT THE BOARD APPOINT THE FOLLOWING BOARD MEMBERS TO THE BOARD COMMITTEE FOR ADVISORY GROUP APPOINTMENTS: DEBRA BROADNAX, J. JANE MCFEE, KATHLEEN DRISCOLL AND ANNE BARNETT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE AND JUDITH BRACHMAN WERE ABSENT.

K. Driscoll volunteered to Chair the Board Committee for Advisory Group Appointments. A meeting was scheduled at noon on Wednesday, November 15, 2006.

### **Board Committee for Retreat and Date**

President Krueger tentatively scheduled the Board Retreat on April 16-17, 2007, to be confirmed at the November Board meeting. Following discussion;

IT WAS MOVED BY JANET L. BOECKMAN, SECONDED BY ANNE BARNETT, THAT THE BOARD APPOINT THE FOLLOWING BOARD MEMBERS TO THE BOARD COMMITTEE FOR PLANNING OF THE APRIL 2007 RETREAT: CYNTHIA KRUEGER, TERESA WILLIAMS, J. JANE MCFEE AND KATHLEEN O'DELL. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. BERTHA LOVELACE AND JUDITH BRACHMAN WERE ABSENT.

### **Results of Staff Survey**

The Board reviewed a summary of the results of the Staff Survey conducted August 8-17, 2006. B. Houchen highlighted the survey and answered questions of the Board. Rather than the survey tool used the last two years, S. Thacker drafted a questionnaire based on questions from the previous survey and eliminated questions that addressed things that the Board cannot control, e.g., employee benefits. The survey was administered using a web-based survey tool that provides confidentiality and prepares an analysis of the data. The summary included the questions, percentages, and the number of individuals who responded to each question. Thirty-seven (37) of 54 staff members responded to the survey, however, after the first question, 34 – 35 individuals responded to the questions (2-3 of the 37 consistently skipped the questions).

The Board stated that overall the outcomes were very positive. K. Driscoll asked that the Board be updated throughout the year on progress. B. Houchen agreed to provide an update. A. Barnett inquired about performance evaluations. B. Houchen stated that in the last two months the Management team discussed becoming current over the next year. S. Thacker provided an explanation of the state's evaluation system for employees and goals that may need to be identified or performance improvement plans that may be necessary throughout the evaluation period. J. Boeckman pointed out two positive areas where employees feel their efforts count and that they have adequate resources to do their jobs within a state system.

#### **Evaluation Of Meeting/Recommendations For Next Meeting**

President Krueger reminded the Board of elections at the next meeting. D. Broadnax agreed to be nominated for the Supervising Member for Disciplinary Matters; K. O'Dell agreed to be nominated for Hospitality Chair; T. Williams agreed to be nominated for Vice-President if no other members are interested; and C. Krueger agreed to be nominated for President if no other members are interested.

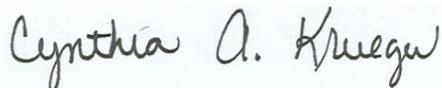
A. Barnett commended C. Krueger on how she presided over the meetings.

The Board stated that numbering of the hearing and no hearing discipline cases would be helpful. K. Driscoll asked that if the high volume continues, could reviews be handled differently. President Krueger stated that the Board and staff would need to look into this process before making a change. D. Broadnax stated that she would be uncomfortable if the entire Board did not review cases. A. Barnett agreed with D. Broadnax and stated that if a high volume continues then the Board could look at a different way to handle the cases at that time.

The Board thanked staff for their work. A. Barnett commended L. Halliburton for her work regarding medication aides and the Board also commended the Compliance staff for their work and for providing the cases for their review earlier prior to the meeting.

#### **AJOURNMENT**

The meeting was adjourned at 4:10 p.m. on September 22, 2006.



Cynthia Krueger, RN, MSN  
President

Attest:

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A handwritten signature in cursive script that reads "Betsy J. Houchen". The signature is written in black ink and is positioned below a horizontal line.

Betsy Houchen, RN, MS, JD  
Secretary