

OHIO BOARD OF NURSING

MINUTES OF MEETING

REGULAR MEETING OF THE BOARD JULY 19-20, 2007

The regular meeting of the Ohio Board of Nursing (Board) was held on July 19-20, 2007 at the Board office located at 17 South High Street, Suite 400, Columbus, Ohio, 43215. The President, Vice-President, and Executive Director reviewed the agenda prior to the meeting.

On Thursday, July 19, 2007, at 8:35 a.m., President Cynthia Krueger called the Board meeting to order. On Friday, July 20, 2007, at 8:35 a.m., President Cynthia Krueger called the Board meeting to order. 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 (absent Friday afternoon)
Janet L. Boeckman, RN, MSN, CPNP
Judith Brachman, Consumer Member
Debra Broadnax, MSN, RN, CNS, Supervising Member, Disciplinary Matters
Patricia Burns, LPN
Elizabeth Buschmann, LPN
Kathleen Driscoll, JD, MS, RN
Lisa Klenke, MBA, RN, CNA-A
J. Jane McFee, LPN
Kathleen O'Dell, RN, M.ED, NCSN
Eric Yoon, MSN, ACNP, CCNS (absent Thursday)

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

ADMINISTRATIVE MATTERS

Board Meeting Overview

- On Thursday, President Krueger reported that a Board Reception was held at 8:00 a.m. She also announced that at 10:15 a.m. an attorney representing Cindy Gosnell will address the Board regarding the Hearing Officer's Report and there will be a noon meeting of the Board Committee on Practice. The Executive Session is scheduled for 3:00 p.m.
- On Friday, the following are scheduled: Open Forum at 10:00 a.m. and the Board Committee for the Ohio Center for Nursing at noon.

On Thursday and Friday President Krueger recognized students, welcomed the gallery, and requested Board members introduce themselves and indicate their practice areas and hometowns.

Minutes of May 17-18, 2007 Board Meeting

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE MINUTES OF THE MAY 17-18, 2007 BOARD MEETING BE APPROVED, AS SUBMITTED. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL ABSTAINED.

Staff Introductions

S. Thacker, Program Manager, introduced and recognized staff of the Administrative Unit: Diana Hisle, Sue Baer, Rosemary Booker, Kathy King, Katha Bloomer, Eric Mays and Cary Dachtyl.

Executive Director Report

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

State Security Breach

As a result of the State security breach, the Governor issued Executive Order 2007-13S, applicable to all cabinet-level agencies. Although it is not required that Boards and Commissions comply with the EO, the Board will voluntarily comply with and report on all Office of Information Technology (OIT) recommendations and requirements. E. Mays is the designated "Data Privacy Point of Contact" person for the Board. As such, he attended the technical briefing related to the recent thefts of state data and the Executive Order. OIT is presently working on security and encryption standards for state computer networks, portable computing devices and data storage devices.

Ohio Department of Job & Family Services (ODJFS) Consumer Direction Workgroup

On June 11, 2007, the ODJFS Consumer Direction Workgroup sent preliminary language for Medicaid Waiver program rule changes for staff review. The language creates a new category of services called "home care attendant services" available to consumers enrolled in the Waiver program. The language detailed numerous "health maintenance activities" that the Attendant could perform, among these, assisting persons with the self-administration of medications. Staff responded by emailing comments on June 12, primarily requesting that the language explicitly set forth that the Attendant would be prohibited from providing nursing services, including but not limited to administration of medications. H. Fischer attended the Workgroup's meeting on June 13, 2007. During this meeting, it was apparent that the Workgroup would like to greatly expand the current definition, in Rule 4723-13-02 (C), OAC, of "assisting with the administration of medication", so that disabled adults would be able to have Home Care Attendants perform tasks such as inserting suppositories, administering eye/nose drops, drawing up doses of insulin in pre-measured pumps,

and assisting with subcutaneous insulin or allergy shot injections. It was agreed that Attendants would be prohibited from assisting with the administration of IV medication. A conference call was held with representatives from ODJFS on July 18 and staff will provide information for discussion later on the agenda.

National Council of State Boards of Nursing (NCSBN) – Update

On June 11, 2007, Compliance staff participated in another HIPDB policy call with NCSBN. The discussion focused on timelines for reporting to HIPDB, legally sufficient narratives and expected federal regulations. NCSBN reports that HHS has emphasized Boards' reporting final actions within 30 days and legally sufficient narratives. Board staff has worked diligently to assure the data from Ohio is updated and accurate. B. Houchen recognized the efforts of Compliance staff L. Ferguson-Ramos, E. Brown, and M. Malone. In addition, E. Mays, L. Halliburton, and various licensure staff assisted in completing work in a short period of time and worked well with NCSBN staff to achieve this goal.

E. Mays attended the annual NCSBN Information Technology Summit. Major items on the agenda included Disaster Recovery Planning, Security and Data Protection and future NURSIS enhancements. Additionally, there were discussions related to licensing systems and audio/video streaming of meetings. E. Mays answered questions regarding the meeting.

Fiscal

The "Go Live" for the State of Ohio's new financial system, OAKS, was implemented July 2, 2007. After two months of intense training, staff completed the first payments and deposits on day one. B. Houchen commended S. Thacker, R. Booker, K. King and K. Bloomer for their work in getting the new system up and running. The system allows payables and receivables to be processed electronically.

Licensure and Renewal Activities

Call volume is extremely high due to RN renewal and nursing program graduations. Approximately 158,000 RN renewal applications were mailed in May 2007. As of June 28, 2007, 84,400 license applications were processed and license wallet cards printed. Approximately 3,000 RNs have placed their licenses on inactive status. A total of 35,449 nurses have renewed on-line for a 42% on-line rate, a significant increase from the last RN renewal period. At the end of the 2005 RN renewal period, there was a 20% rate of on-line renewal. At this time in 2006, for LPN renewal, there was a 15% renewal rate on-line. D. Broadnax asked if there were fewer late renewals since on-line renewal had been implemented. B. Houchen answered that we do not have that statistic, but there continues to be a large number of late renewals.

Personnel

B. Houchen announced that Jennifer Smallwood, Education Consultant, is resigning effective August 3, 2007. She is leaving to practice as a Certified Nurse Midwife. B Houchen and the Board expressed their appreciation for the work she has done. J. Boeckman added that it has been a pleasure to work with her and she will be a hard person to replace. K. Driscoll agreed.

Legislative Status Report

The Board received the Legislative Status Report and C. Snyder highlighted the report and answered questions on HB 2, HB 39, HB 119, and HB 200.

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY KATHLEEN DRISCOLL, TO EXTEND DISCUSSION FOR FIFTEEN MINUTES. MOTION ADOPTED BY UNANIMOUS VOTE OF BOARD MEMBERS PRESENT.

C. Snyder and B. Houchen reported that they discussed HB 185 and SB 65 with the respective sponsors to explain the Board's concerns with the bill's requirement that the Board administer a new loan program. Both sponsors were receptive to not duplicating the administrative costs to establish a new loan program. Both were also agreeable for funding and administration to be through the Ohio Board of Regents as it currently administers the NEALP. The sponsors were also receptive to including LPNs in the loan program proposed in the bill. J. McFee thanked staff for making the request to include LPNs.

B. Houchen reported that staff worked with the Ohio Association of Advanced Practice Nurses regarding HB 253 and there is agreement with the clarifying language the Board submitted. The language would be added to the bill at some time during the legislative process.

The Board discussed HB 200, and asked Board staff to monitor this bill closely for the Board's need to provide input on licensure and scope of practice.

Fiscal Report

R. Booker answered questions about the fiscal report for July 1, 2006, through June 30, 2007. She highlighted the end-of-year balances. J. Brachman commended Board staff for the end-of-year balances. R. Booker reported on the revenue for the registered nurse license renewals. Staff is examining the option of ACH checks as another payment option for individuals who renew their licenses on-line.

Executive Session

At 3:00 P.M. on Thursday, July 19, 2007:

IT WAS MOVED BY TERESA WILLIAMS, THAT THE BOARD GO INTO EXECUTIVE SESSION TO CONFER WITH LEGAL COUNSEL REGARDING PENDING AND IMMINENT COURT ACTION. FOLLOWING EXECUTIVE SESSION THE BOARD MEETING WILL BE ADJOURNED AND THE BOARD WILL DELIBERATE ON CASES PENDING BEFORE THE BOARD. MOTION ADOPTED BY A UNANIMOUS ROLL CALL VOTE OF THE BOARD MEMBERS PRESENT.

NEW BUSINESS

Legislation

Budget Bill (Am. Sub. H.B. 119)

The General Assembly approved the budget bill (Am. Sub. H.B. 119) on June 27, 2007, and it was subsequently signed by the Governor. B. Houchen thanked H. Fischer and C. Snyder who worked throughout the process on amendments and L. Emrich and L. Ferguson-Ramos who assisted with review of the language.

ORC Section 119.07

Board staff were drafting an amendment to the Nurse Practice Act regarding delivery of notice (*Porter* case), when they learned the Office of Budget and Management (OBM), working with the Attorney General's office, initiated an amendment to ORC Chapter 119. through the budget bill. Staff then began working with OBM and the AG's Office. Board staff and the Medical Board successfully lobbied to amend ORC Section 119.07 through the budget bill. The amendment will result in significant cost savings to regulatory boards while ensuring due process to licensees and certificate holders. This provision is effective September 29, 2007.

ORC Section 4723.32

Board staff lobbied to add this provision in the Senate version of the bill. The amendment provides an exemption from licensure for out-of-state students completing their student clinical experience in Ohio while enrolled in a nursing education program approved by another state board of nursing. This provision is effective September 29, 2007.

ORC Sections 4723.621 through 4723.66

The bill contained the previously agreed to language that will extend the Medication Aide Pilot Program. Previously, the Board worked with interested parties and agreed on the proposed language that is included in this bill. The amendment extends the Medication Aide Pilot Program for 180 days after the certification of the 75th medication aide.

Nursing Education Study Committee

The Ohio Nurses Association (ONA) proposal for a Joint Legislative Committee to study nursing education issues, now known as the Nursing Education Study Committee, was retained in the final version of the bill. Although staffing and funding of the committee has not been addressed, a Legislative Service Commission document noted that funding of the committee could be shifted to the Board. There is nothing in the legislation language stating that funding is the responsibility of the Board.

NEALP

ONA proposed language for Workforce Investment Act (WIA) funds to supplement NEALP is included in the final bill. During conference committee discussions, OBM and/or ODJFS raised concerns about the legality of using WIA funds for a loan program and asked that the language be deleted. ONA objected and the language remains. ONA has prepared language that would change the proposal from a loan to a grant program and this language could be included in a subsequent budget corrective bill.

HB 130 and HB 171

H. Fischer reviewed a memo regarding HB 130 and HB 171. At the May meeting, the Board asked for an analysis of the potential effects of these bills on the Board's statutory authority to take disciplinary action.

A chart was provided that summarized the impact of these bills. H. Fischer explained that the general concern of the Department of Rehabilitation and Corrections (DRC) is that individuals are denied licensure based on a criminal history without an opportunity for a Chapter 119. hearing. It was explained to DRC that the regulatory boards do not typically automatically bar individuals from licensure due to a criminal history. The exception is our Board's absolute bars to licensure for serious felonies, such as murder or rape. Now that DRC realizes that individuals are afforded Chapter 119. hearings, they have informally agreed to revise HB 130. If this agreement becomes final, the compromise would require the adoption of rules specifying how serious felonies are substantially related to practice with respect to the Board's use of absolute bars to licensure.

HB 171 similarly allows the use of prior criminal offenses to deny licensure or institute disciplinary actions only if the criminal offense is "substantially related" to the practice for which licensure is sought or held. This bill addresses only one element of the DRC proposals contained in HB 130. It appears that House Bill 130 is the more likely vehicle to address this issue.

K. Driscoll asked how the bill could impact the proposals that the Board increase the number of automatic bars and create a five-year preclusion for felonies. H. Fischer stated the Board could continue to move forward, but may be required to address in rules how the additional felonies are substantially related. L. Klenke stated that it

would be good to include employers and the nursing community in a discussion regarding increasing the number of automatic bars, creating a five-year preclusion for felonies, and precluding sexual predators from licensure. J. Brachman agreed and asked that consumers be included in the discussions.

Administrative Rule Review and Discussion OAC Chapter 4723-1 (Five-Year Review)

C. Snyder reviewed a written memo regarding the five-year review of Ohio Administrative Code (OAC) Chapter 4723-1. The most significant difference within this chapter is that it incorporates provisions that currently appear in OAC Chapters 4723-2 and 4723-12, and that Chapters 4723-2 and 4723-12 will be proposed for rescission. The proposed rules were reviewed and discussed as follow:

4723-1-01 Board organization

Most of the proposed revisions in this rule are to clarify existing language. Paragraph (C)(2) is new language to address any potential conflict of interest between a licensee and the supervising member for disciplinary matters and reflects current practice. Also, Paragraph (G) is new language that reflects current practice.

4723-1-02 Personnel

The last sentence is revised to clarify that the Executive Director shall “ensure implementation” of the relevant provisions of Revised Code Chapter 119., rather than “implement” the provisions him/herself.

4723-1-03 Board records and documents

It is proposed to rescind the current rule 4723-1-03 and adopt a new rule. Proposed new paragraph (A) incorporates generic language directing the Board to maintain a record of all “applicants for and holders of licenses or certificates issued by the board...” Paragraph (B) remains substantively unchanged, retaining the statutory requirement [Revised Code sec. 4723.24(B)] that information regarding name changes be submitted to the Board in writing. Paragraph (C) reflects current practice of the Board. In paragraph (D) the reference to “electronically” is deleted as this method of notice is viewed as a “written” communication, rendering the term redundant. Paragraph (E) provides the Board with discretion to return documents submitted for licensure or other regulatory purposes. Paragraph (F) is revised to eliminate a list of the individual licenses and certificates issued by the Board, and to include general language to encompass all such documents.

D. Broadnax asked how this rule would impact the retention of disciplinary case materials. B. Houchen stated that all state agencies are required to establish and maintain a records retention schedule and all records of the Board are maintained according to the schedule. B. Houchen replied that the information could be provided.

L. Klenke asked about requiring employers to use eLicensing as primary source verification for licensure. T. Williams commented that she believes facilities should use the on-line system as the verification source. B. Houchen stated that the Board would not have the authority to mandate that employers use the eLicensing system, however, perhaps the issue could be addressed in the rules. C. Snyder suggested that Chapter 7, Licensure, might be a place to address it. Staff will review this.

4723-1-04 Fees

The proposed changes in this rule clarify fee payments. The rule provides that fees paid in excess of the required amount shall be refunded, and that a payment returned by a financial institution does not extend the period of time for a licensee or certificate holder to renew a license or certificate. It is also proposed to eliminate the current requirement that the Board advise individuals by certified mail if a check or payment is not honored.

4723-1-05 Notice of adoption, amendment, or rescission of rules

This rule incorporates paragraph (A) of current rule 4723-2-01, and generally restates the existing language. Other provisions are expanded to more clearly state the manner in which the Board will comply with the requirements of ORC Chapter 119., the Administrative Procedure Act.

4723-1-06 Notice of board meetings

This proposed new rule includes paragraphs (B) and (C) from current rule 4723-2-01 regarding the means by which the Board communicates information about regular and special meetings of the Board. As in proposed OAC rule 4723-1-05, new language is added to be consistent with the provisions of ORC Chapter 119.

J. Brachman suggested the use of the word "postal" instead of "regular" mail address in paragraph (B) of this rule. The Board agreed by general consensus to this change.

4723-1-07 Personal information systems

The subject matter of this proposed rule presently appears in rules 4723-12-01 to 4723-12-04. This rule restates the requirements of ORC Chapter 1347. which is designed to protect the security of personal information collected and maintained by government entities. Paragraph (A) provides that the Board shall maintain a personal information system in accordance with the requirements of ORC Chapter 1347. and paragraph (B) includes relevant definitions. Paragraph (C) contains information presently in rule 4723-12-01(D). Paragraph (D) includes information from current rule 4723-12-01(C). Paragraph (E) is taken from ORC Section 1347.05(G). Paragraph (F) contains material presently in rule 4723-12-04; paragraph (G) contains the substance of rule 4723-12-03; and paragraph (H) restates rule 4723-12-02.

J. Brachman asked how the records retention schedule would relate to this rule and impact disciplinary cases. C. Snyder suggested that a reference to the records retention schedule could be added at the end of paragraph (C) for clarification. The Board agreed by general consensus to this addition.

OAC Chapter 4723-3 (Five-Year Review)

C. Snyder reviewed Chapter 4723-3. Because of the number of changes proposed, the current rule would be rescinded, and a new rule adopted. The following are the proposed changes:

Deletions

“Active certificate” and “active license” are deleted since the Board has become consistent in its use of the phrase “current, valid” in relation to licenses and certificates.

“Approved nursing education program” and “Curriculum” are deleted because both are defined in OAC Chapter 4723-5.

“Inactive certificate” and “inactive license” are deleted and the term “inactive” is defined.

“Lapsed certificate” and “Lapsed license” are consolidated with a new definition of “lapsed.”

“Medication” is deleted, as there is no need for it to be defined.

“Peer support program” relates to current law and rules that address Board approval of peer support programs. These references are being deleted from the Revised Code, and Chapter 4723-11 is proposed for rescission. With these changes, the definition becomes unnecessary.

“Proper identification” appears to be unnecessary at this time.

“Revocation of a certificate” and “Revocation of a license” are deleted and the term “revocation” is defined.

“Temporary certificate” is deleted because its use is limited to dialysis technicians and the term is defined in Chapter 4723-23.

Revised Definitions

“Certificate” is revised to include a more general reference to “authorization to practice.”

“Endorsement”- Staff propose to define this by reference to the statutory sections and rules that govern the endorsement process for specific licenses and certificates issued by the Board.

T. Williams asked if community health workers (CHWs) should be included with the definition of endorsement. B. Houchen suggested that the Board discuss this later in the agenda and the results of that discussion would impact this definition. J. Brachman suggested that there be a definition of “license.” The Board agreed by general consensus to add a definition of “license.”

“Foreign educated nurse graduate” is changed to reference paragraph (D) of rule 4723-7-01 where the term is defined as part of the chapter on nurse licensure.

“Jurisdiction” is revised to include community health workers.

“Unauthorized practice” is changed from “unauthorized practice of nursing” to “unauthorized practice” to encompass other activities for which the Board issues a license or certificate. The new language defines this term as “engaging in activities for which licensure or certification is required under Chapter 4723. of the Revised Code without holding a current, valid license or certificate to engage in such activity.”

L. Klenke asked about the statement, “The unauthorized practice of “nursing” in the paragraph following paragraph (M). She suggested the word “nursing” be deleted. The Board agreed by general consensus.

New Definitions

“Current, valid license” and “current, valid certificate” are defined to mean an authorization to practice issued under Chapter 4723. that is not inactive, suspended, revoked, or subject to restrictions, and for which the holder continues to meet all of the requirements for issuance. The “current, valid” language is used in place of the term “active” in this regard.

“Inactive” is defined as the status of a license or certificate when the holder has requested in writing that the license or certificate be placed on inactive status. Language is also added to clarify that an individual with an inactive license or certificate is not authorized to practice under that license or certificate.

“Lapsed” is defined to mean that a licensee or certificate holder has failed to satisfy the requirements for renewal, and has not complied with the requirements for placing a license or certificate on inactive status.

“Revocation” replaces individual definitions for “revocation of certificate” and “revocation of license.” The substance of the definition is the same in that it means a license or certificate has been declared permanently null and void by disciplinary action of the board in accordance with Chapters 4723. and 119. of the Revised Code.

T. Williams asked about the definition of revocation related to permanent revocation. H. Fischer responded that L. Ferguson-Ramos is reviewing the background of and need for this language and more research will be completed before the next meeting.

OAC Chapter 4723-5 (Five-Year Review)

L. Emrich distributed a copy of rule 4723-5-24 and a draft report of the Carnegie Foundation Study of Nursing. The report is a preliminary summary of each chapter of the book that contains the study results entitled “Educating Nurses: Teaching and Learning for A Complex Practice of Care.” The Board can use the report for future reference as the Board continues its discussion concerning nursing education. J. Brachman requested that L. Emrich point out areas of importance within the Carnegie Foundation Study as they conduct the rules review for education.

L. Emrich and C. Snyder reviewed the proposed revisions for Chapter 4723-5. The substantive revisions were discussed and requested by the Advisory Group on Nursing Education. Board staff recommended additional changes for purposes of clarity and organization. Not all of the Chapter 4723-5 rules are proposed for amendment this year since the Board conducted a comprehensive review of this chapter in 2006. Following are the recommended changes pertaining to each rule.

4723-5-01 Definitions.

(C) The definition of “Advanced standing” is further clarified to mean that the student is awarded academic credit for previous course work and clinical experiences.

(F) The definition of “Clinical experience” is revised to further explain that that it is the “supervised” delivery of nursing care.

The Board began a discussion regarding the definition of the “supervised” delivery of nursing care by students. The Board was in agreement with the proposed clarification.

(S) The term “Laboratory experience” is changed to clarify that the nursing activities for this component of the educational program take place “in a simulated clinical environment.”

(GG) J. Brachman questioned the meaning of “immediately available.” It was noted that for community health settings, faculty could be available by phone and not on-site. L. Klenke stated that if the clinical setting is for the primary purpose of health care, someone is on-site. J. Brachman requested more specificity for the definition. D.

Broadnax suggested that the language should remain as written because if a problem arises, the education program would be held responsible. The Board agreed not to change the definition.

4723-5-02 – no proposed changes

4723-5-03 Change of control of a nursing education program

(B)(6) This language is revised for clarification to state that the controlling agency will advise the Board “whether any curriculum changes will be proposed as a result of the change in control.”

(B)(7) Language concerning the first graduating class following the change in control is added to this rule.

4723-5-04 – no proposed changes

4723-5-05 Program reports to the board

Paragraph (C) is deleted as these requirements are addressed in rule 4723-5-03.

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

(A)(3) This paragraph is revised to clarify the survey visit requirement for programs seeking conditional approval by referencing paragraph (E) of rule 4723-5-08.

There is no Rule 4723-5-07

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

Paragraph (C) includes a substantive change not yet discussed with the Advisory Group. The first part of the revision clarifies that the Board will notify the proposed program when it determines that an individual designated as program administrator meets the requirements established in the rules. The second aspect of the revision imposes a new time frame of eighteen (18) months within which a proposed program must submit a complete program proposal to the Board. The Board agreed by general consensus with the recommendations.

In paragraphs (D)(1) and (D)(2), language is added to require that additional information be provided to the Board by a proposed program. The remaining changes in this paragraph are non-substantive.

The Board began a discussion regarding the proliferation of proposed new programs. The new rule language for a proposed program is designed to encourage programs to carefully review their target areas, population, and the clinical sites available.

(E) This revision is recommended to give the Board discretion in conducting a site visit of a proposed program either prior to granting conditional approval or during the first year of operations once a program has received conditional approval. Currently the rule requires a site visit prior to conditional approval in all circumstances, even though a physical facility to house the program may not yet be constructed.

J. Brachman requested that the language in paragraph (E) be revised so that the survey visit will be conducted before the first graduating class. L. Emrich explained that a survey visit is required prior to the Board's consideration of whether or not to place the program on Full Approval, but suggested adding language specifying that for programs of one-year or less, a survey visit would be conducted within six months. The Board agreed by general consensus.

(J) Non-substantive change.

(P) This paragraph pertains to information submitted by a program that is expanding to another location. The revised language in (P)(2) refers back to some of the requirements in paragraph (D) regarding demographic information to be provided by a proposed nursing program. Similar information is required for a new location of an existing program. Paragraph (P)(3) is deleted since its content is captured by reference to paragraph (D) of the rule. It is noted that the reference needs to be revised to specify (D)(2).

4723-5-09 Organization and administration of the program

(D) This revision is a new requirement within this rule, but not a new concept. It is proposed to require submission of official academic transcripts for a registered nurse who is serving as an interim administrator or is appointed as a new administrator. The requirement to provide official transcripts was added last year to rule 4723-5-08 for the purpose of documenting the credentials of an individual designated as the program administrator for a proposed program.

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

This rule would be rescinded and replaced with a new rule. The most significant change is reflected in the deletion of language relating to appointments made during the period between 1972 and April 1996. A statement is included in paragraph (B) of the new rule to address those faculty appointed prior to the requirements of the current rule. Additional changes include clarifying that the requirement for completion of a registered nursing education program means a program approved by a jurisdiction that is a member of NCSBN. Language is also added to provide that an earned doctorate degree is required of the administrator for a direct entry graduate program.

J. Brachman asked about adding a specific requirement that faculty who are teaching courses have experience in teaching. C. Krueger responded that due to the current faculty shortage individuals are not always available with teaching certificates or with

many years of teaching experience. C. Krueger stated that adding this type of requirement could further contribute to the faculty shortage. It was noted that a program might prefer specific teaching experience as an approach to encourage that individuals have teaching experience or certificates. K. Driscoll stated she agreed with this concept.

L. Emrich referred to the Carnegie Report's recommendation that Boards should establish a requirement that graduates who pass the NCLEX after 2010 must earn a Master's degree within five years. C. Snyder stated that the newly established Nursing Education Study Committee might look at these issues.

K. Driscoll suggested that paragraph (A)(3)(C) be clarified so that non-nurses could teach a class. For example, a nutritionist may teach a class in nutrition. C. Snyder suggested inserting similar language as in Chapter 4723-17-05 regarding teaching IV therapy. The Board agreed by general consensus.

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

This rule will be rescinded and replaced with a new rule as a result of eliminating the requirements for appointments prior to 1996. In paragraph (A)(2), the Board may wish to consider a change to the qualifications for an associate administrator in a practical nursing education program. Presently, the qualifications for an administrator and associate administrator are the same. A possible option is presented in paragraph (A)(2)(b) that would allow experience as a teaching assistant to qualify the individual as an associate administrator in a practical nursing education program.

J. Boeckman stated that she disagreed with allowing an individual's experience as a teaching assistant to qualify the individual as an associate administrator in a practical nursing education program and recommended no change to this rule. The Board agreed by general consensus not to change the qualifications for an associate administrator.

4723-5-12 Program policies

Clarification of the policy requirements for advanced standing and readmissions is made in paragraph (A)(2) and proposed new paragraph (A)(3). C. Krueger requested that staff review the language because it appears repetitive in these two paragraphs. L. Emrich stated she would review this language.

4723-5-13 Curriculum for a registered nursing education program

This rule would be rescinded and replaced with a new rule. The NCLEX Test Plan and input from the Advisory Group on Nursing Education provided the basis for the proposed revisions in this rule. There is a significant proposed change to the minimum length of time in which an individual may complete a registered nurse program. The current language states that a program will span a minimum length of two academic or calendar years of full-time study. An exception to this rule is presently extended to a

program with an advanced standing option, recognizing, or giving credit to, individuals who have a non-nursing bachelor's degree. The program with an advanced standing option may be shortened to less than the two academic years, but there is presently no limit on "how short," nor is there a minimum number of hours that a nursing student must complete. Some programs have expressed a desire to further shorten the length of time for their existing advanced standing options from eighteen (18) months to twelve (12) months. This raises a fundamental policy question of how condensed a nursing education program can be and still remain effective. The Board is asked to consider establishing parameters for either a minimum length of time or for a minimum number of academic hours. The revised rule proposes to set a minimum number of academic or clock hours for any registered nursing education program.

Following discussion, the Board recommended discussing the concept of setting a minimum number of clinical hours with the Advisory Group next month and for further discussion at the September Board meeting. C. Krueger suggested when looking at the hours that staff refer to the National League for Nurses Accrediting Center and the Ohio Board of Regents' requirements for credit hours and programs to avoid any conflicts.

L. Klenke stated that she would like to include a provision in the curriculum that nurses have an obligation to teach and mentor other nurses. The Board agreed by general consensus to add this language.

D. Broadnax stated that she would like to include a provision in the curriculum covering IV therapy for registered nurses. C. Krueger responded that there may be a variation in programs and there could be a clinical site issue. J. Brachman and E. Yoon agreed with D. Broadnax that specific language be added. L. Emrich suggested adding a new paragraph (E)(6) to state, "Nursing care of individuals receiving IV therapy." The Board agreed by general consensus to add the suggested language.

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

This rule would be rescinded and replaced with a new rule. The NCLEX Test Plan and input from the Advisory Group on Nursing Education provided the basis for the proposed revisions. The curriculum requirements for LPN IV therapy are retained as presently written.

J. McFee commented that she believes an academic year is not enough time for the education of licensed practical nurses and it should be one calendar year. She noted there is a 36 to 44 week variation in practical nurse education programs. J. Brachman suggested adding this issue for discussion by the Nursing Education Study Committee. J. Boeckman added that outcomes would need to be reviewed in relation

to the number of classroom hours spent in each program. E. Buschmann stated she is more concerned with the number of hours spent in the classroom than the number of weeks in a program. K. O'Dell stated she is concerned with the classroom hours of high school programs. L. Klenke suggested that the Advisory Group look at the hours for both the practical nurse and registered nurse programs.

J. Brachman asked that staff review the language of paragraph (E)(12)(c) and revise it, as necessary.

4723-5-15 — no proposed changes

4723-5-16 — no proposed changes

4723-5-17 Program contractual relationships

(A)(2) The proposed language clarifies the parties that are required to sign a contract between a nursing education program and other entities.

(C)(1) This revision requires a program to document its compliance with the regulations of another jurisdiction or foreign country if it utilizes a clinical site in that jurisdiction or country.

There is no rule 4723-5-18.

4723-5-19 — no proposed changes

4723-5-21 Program records

(C) Changes are made in the information that is to be maintained in faculty files to include a copy of the faculty member transcripts. Biennial verification of nursing licensure is also required. The Board agreed by general consensus that language be added requiring that documentation of biennial verification of nursing licensure be maintained for a five-year period.

4723-5-23 Program NCLEX rates

(B)(4) The current rule requires a survey visit by the Board when a program experiences three consecutive years of low NCLEX pass rates, and also requires a survey visit again if the program has a fourth consecutive year of low pass rates. The proposed revision makes a survey at the fourth consecutive year discretionary.

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY PATRICIA BURNS, THAT THE BOARD EXTEND DISCUSSION FOR TWO HOURS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Chapter 4723-14 (Five-Year Review)

The Board received a written memo regarding proposed changes to Chapter 4723-14 for the scheduled five-year review. It is proposed to entitle the chapter, Continuing Education.

4723-14-01 Definitions

(B) "Contact hour"- It is proposed to change this definition from "fifty or sixty minutes" to sixty minutes. New language is added to provide that an activity that has been approved based on a fifty-minute contact hour will not need to comply with the sixty-minute requirement until such time that the approval for the activity expires and new approval for the activity is sought.

(K) "Proof of completion of continuing education" is revised to allow for documentation or verification from the continuing education provider that satisfies the criteria set forth in rule 4723-14-06 and is limited to a paper document for this purpose.

4723-14-02 – no proposed changes to this rule

4723-14-03 Continuing education requirement for licensed nurses

The substantive changes for this rule clarify the process by which the Board can request proof of completion of continuing education for renewing, reactivating, or reinstating a license. Failure to provide documentation of continuing education upon request of the Board will render the individual ineligible to renew, reactivate, or reinstate. (Paragraph (H)). Further, the Board may require such licensees to complete forty-eight hours of continuing education within the immediately preceding forty-eight month period to re-establish eligibility to renew, reactivate, or reinstate. (Paragraph (I)).

Board members asked about the forty-eight hours requirement. B. Houchen stated staff would provide examples at the September meeting of how this provision is applied.

4723-14-04 – no proposed changes to this rule

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

Paragraph (A)(7)(a) indicates that a licensee or certificate holder who develops and presents a course may receive credit only for the first time the course is presented. The amount of credit hours will be the same number of credit hours awarded to participants for the presentation, or for an independent study, the number of hours approved for participants who complete the program (Paragraph (A)(7)(b)).

4723-14-06 Proof of completion of continuing education

Paragraph (C)(8) is revised to include a more general reference.

4723-14-07 Continuing education audit

To more clearly reflect the content of the rule, staff proposes to change the title to "Continuing education audit." It is presented as a new rule because the proposed changes are significant enough to require rescission of the present rule and adoption of a new rule. The proposed new rule includes most of the content in the current rule.

The rule sets forth the procedural requirements of an audit and the responsibilities of the licensee or certificate holder. In the event that a licensee or certificate holder has failed to comply with the continuing education requirements, the licensee or certificate holder would not be eligible to renew at the next scheduled renewal date. This is consistent with present Board practice. As in rule 4723-14-03, a licensee or certificate holder may be required to provide proof of completion of up to forty-eight hours of continuing education within the forty-eight months immediately preceding the next renewal.

J. McFee asked how licensees are randomly audited. B. Houchen responded that currently L. Halliburton and E. Mays are working to assure random audits.

J. Brachman commented that she would like to examine the possibility of imposing fines for non-compliance with continuing education. H. Fischer responded that a statutory change would be required to issue a fine unless the fine was imposed in the form of a Consent Agreement. L. Klenke suggested issuing an Advisory Letter if the requirements are not met.

4723-14-08 – no proposed changes to this rule

4723-14-09 – no proposed changes to this rule

4723-14-10 Reapproval of an OBN approver

A change is proposed in paragraph (A) so the Board site visit for re-approval of an OBN Approver would be discretionary rather than mandatory to allow the Board the ability to conduct an on-site review as necessary.

D. Broadnax questioned changing “shall” to “may.” L. Klenke responded that prior to last year, the language was “may.” Site visits are being conducted regularly now, but the Board also would like to exercise discretion, as needed, to make the site visits. The Board agreed by general consensus to change the language to “may.”

4723-14-11 through 4723-14-18 – no proposed changes to these rules

Lastly, the Advisory Group asked that the Board consider additional language to address how to determine if the content of a CE activity is relevant. Several members of the Advisory Group have submitted information to be reviewed by staff.

Chapter 4723-9 (Definition of “Physician Initiated”)

During the last Board meeting, Jacalyn Golden, Chair of the Committee on Prescriptive Governance, addressed the Board requesting the definition of “Physician Initiated” (PI) medications be amended in OAC Rule 4723-9-10. The Board requested that staff follow-up for the July Board meeting. Board staff has been discussing the definition with J. Golden resulting in the attached proposed revision. The Board agreed by general consensus with the proposed revisions, as submitted.

Rule 4723-7-06 and Rescission of Chapter 4723-10

Chapter 4723-10 contains rules pertaining to medication administration by LPNs. Chapter 4723-5 addresses content for medication administration by LPNs, so Board staff is proposing to rescind Chapter 4723-10. With the rescission of Chapter 4723-10, staff proposes to amend paragraph (C) of OAC Rule 4723-7-06 to be clear that licensed practical nurses that seek licensure by endorsement must provide documentation of successfully completing a course in medication administration, as applicable. The Board agreed by general consensus with the proposed revisions, as submitted.

Rule 4723-17-06 – Venipuncture

During a recent meeting of the Continuing Education Advisory Group, a question arose regarding the time period for licensed practical nurses to perform three venipunctures if seeking approval for intravenous therapy. Currently, if a student in a practical nurse education program does not complete IV therapy training during the program, the student may complete continuing education that includes didactic instruction and the successful performance of three Venipunctures (OAC rule 4723-17-06). It was identified that previously, OAC rule 4723-17-06 required the venipunctures be completed within a six-month period from completion of the continuing education. However, the six-month period no longer appears in the rules.

Chapter 4723-17 was last reviewed and amended by the Board in 2004 during the five-year review. Board staff reviewed past minutes and notes and has not been able to determine a reason why this provision no longer appears in the rules. The Advisory Group recommends that the six-month requirement again be specified in rule 4723-17-06. The proposed revision of the rule provides for this recommendation. The Board agreed by general consensus with the proposed revisions, as submitted.

Endorsement of CHWs

During the review of Chapter 4723-3, Board staff discussed the definition of “endorsement” related to certified community health workers (CHWs) and reviewed the current statute and rules. As a result of the discussion, Board staff is seeking direction about endorsement of CHWs. ORC Section 4723.07(K) authorizes the Board to adopt rules establishing “criteria for evaluating the qualifications for a community health worker certificate by the Board’s endorsement of the applicant’s authority to practice issued by the licensing agency of another state.” In addition, ORC Section 4723.84, sets forth the eligibility for an individual to become certified as a CHW, and requires, among other things, completion of a community health worker-training program approved by the Board or, in lieu of completing a training program; “grandfathering” is permitted if certain requirements are met. Based on ORC Section 4723.84, if grandfathering does not apply, an individual seeking endorsement would still be required to complete a training program approved by Ohio. The Board has received no applications for CHW endorsement since the Board began issuing certificates. Recently staff asked member Boards of the National Council of State Boards of Nursing if their state certified CHWs; thirty-eight (38) states responded to

the question. Thirty-seven states indicated that their state does not certify CHWs and one state, Minnesota, does. More recently, endorsement was considered for medication aides, and the Board decided not to permit medication aides to endorse. The Board agreed by general consensus to keep the language as it is and if the Board receives endorsement applications the applicant would be required to take the Ohio-approved CHW training program.

NEGP Grants

The Board received a written memo on the Nurse Education Grant Program (NEGP) Awards, submitted by S. Thacker. In May, the Board solicited proposals for NEGP grants to be awarded for the September 1, 2007 to August 31, 2009, grant cycle. The Board received a total of twenty-two proposals: nine post-licensure proposals, nine RN pre-licensure proposals, and four PN pre-licensure proposals.

Evaluation teams made up of one Board member and two staff members were formed to evaluate the proposals in each category. Evaluation teams were: J. Brachman, E. Mays, and J. Zurmehly for post-licensure proposals, K. Driscoll, A. Rettig, and J. Smallwood for the RN pre-licensure proposals, and P. Burns, J. Freeman, and R. Young for the LPN pre-licensure proposals. S. Thacker thanked all of the members of evaluation teams.

Members of each evaluation team conducted an independent evaluation of the proposals based on the qualitative criteria established at the 2007 Board Retreat and forwarded their results to S. Thacker. He compiled the individual qualitative scores to establish an average qualitative score for each proposal. He then added the average qualitative score to the quantitative score that each program received based on the criteria that were also established by the Board at the 2007 Board Retreat. The resulting number established each program's total score. The proposals were ranked within their respective categories and the scoring summaries provided by each evaluation team. The teams discussed the proposals and recommended programs for grant awards.

Following review of the recommendations and discussion;

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY J. JANE MCFEE, THAT THE BOARD APPROVE THE 2007 AWARD RECOMMENDATIONS FOR THE NURSE EDUCATION GRANT PROGRAMS AS FOLLOWS: UNIVERSITY OF CINCINNATI POST-LICENSURE PROGRAM FOR \$198,003; FIRELANDS REGIONAL MEDICAL CENTER SCHOOL OF NURSING POST-LICENSURE PROGRAM FOR \$19,090; LOURDES COLLEGE POST-LICENSURE PROGRAM FOR \$198,402; THE OHIO STATE UNIVERSITY POST-LICENSURE PROGRAM FOR \$199,470; OTTERBEIN COLLEGE POST-LICENSURE PROGRAM FOR \$194,841; HURON SCHOOL OF NURSING PRELICENSURE RN PROGRAM FOR \$183,201; MARION TECHNICAL COLLEGE PRELICENSURE RN PROGRAM FOR \$185,793; MT. CARMEL COLLEGE OF NURSING PRELICENSURE RN PROGRAM FOR \$200,000; WRIGHT STATE UNIVERSITY PRELICENSURE RN PROGRAM

FOR \$161,059; CLARK STATE COMMUNITY COLLEGE PRELICENSURE LPN PROGRAM FOR \$141,857; AND THE ROBERT T. WHITE SCHOOL OF PRACTICAL NURSING PRELICENSURE LPN PROGRAM FOR \$124,045.10. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. KATHLEEN DRISCOLL ABSTAINED FROM VOTING ON THE UNIVERSITY OF CINCINNATI POST-LICENSURE PROGRAM.

Recommendation For Board Committee

K. Driscoll recommended that a Board Committee be developed to review and streamline the review of grant proposals. J. McFee and the Board members and staff who reviewed the grants for this meeting volunteered for the Board Committee. J. Brachman thanked S. Thacker for his work on the grants.

IT WAS MOVED BY KATHLEEN DRISCOLL, SECONDED BY JUDITH BRACHMAN, THAT THE BOARD FORM A COMMITTEE TO REVIEW THE PROCESS FOR AWARDING NEGP GRANTS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

APPROVALS

Nursing Education Programs – New Program Approvals

Auburn Practical Nursing Program, Concord

The Board reviewed a summary report of a survey visit conducted by J. Smallwood on June 22, 2007 for the proposed new nursing education program, Auburn Practical Nursing Program, Concord.

J. McFee stated she was concerned about length of training because it is thirty-six weeks and shorter than usual. A program representative stated that the program follows their high school district calendar and requires students to be in class from 7:00-3:00 every day. Following review and discussion;

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY LISA KLENKE, THAT THE BOARD GRANT CONDITIONAL APPROVAL TO THE AUBURN PRACTICAL NURSING PROGRAM, CONCORD, EFFECTIVE JULY 19, 2007. 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. IT WAS FURTHER MOVED THAT THE PROGRAM SUBMIT A CONDITIONAL APPROVAL PROGRESS REPORT TO THE BOARD ON OR BEFORE JANUARY 15, 2008. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Applied Technology Systems/Cleveland Job Corps, Cleveland

The Board reviewed a summary report of a survey visit conducted by J. Zurmehly on June 28, 2007 for the proposed new nursing education program, Applied Technology Systems Incorporated/Cleveland Job Corp Center, Practical Nursing Program, Cleveland. A program representative was present to answer questions of the Board. Following review and discussion;

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY TERESA WILLIAMS, THAT THE BOARD GRANT CONDITIONAL APPROVAL TO APPLIED TECHNOLOGY SYSTEMS INCORPORATED, CLEVELAND JOB CORP PRACTICAL NURSING PROGRAM, CLEVELAND, EFFECTIVE JULY 19, 2007. 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. IT WAS FURTHER MOVED THAT THE PROGRAM SUBMIT A CONDITIONAL APPROVAL PROGRESS REPORT ON OR BEFORE MARCH 1, 2008. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Determination of Program Approval Status

Cincinnati State Technical & Community College, Bethesda School of Nursing, Cincinnati

The Board reviewed the summary report of the May 30-31, 2007 survey visit conducted by J. Smallwood to the Cincinnati State Technical & Community College, Bethesda School of Nursing, Cincinnati, to determine approval status. Following review and discussion;

IT WAS MOVED BY LISA KLENKE, SECONDED BY J. JANE MCFEE, THAT THE BOARD GRANT FULL APPROVAL TO CINCINNATI STATE TECHNICAL AND COMMUNITY COLLEGE, BETHESDA SCHOOL OF NURSING, CINCINNATI, BASED ON THE SURVEY REPORT AND THE PROGRAM'S RESPONSE TO THE REPORT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

EHOVE School of Practical Nursing, Milan

The Board reviewed the summary report of the April 24-25, 2007 survey visit conducted by J. Smallwood to the EHOVE School of Practical Nursing, Milan, to determine approval status. Following review and discussion;

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY J. JANE MCFEE, THAT THE BOARD GRANT FULL APPROVAL TO EHOVE SCHOOL OF PRACTICAL NURSING, MILAN, BASED ON THE SURVEY REPORT AND THE PROGRAM'S RESPONSE TO THE REPORT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Lourdes College Bachelor of Science in Nursing, Sylvania

The Board reviewed the summary report of the April 16-18, 2007 survey visit conducted by J. Smallwood to the Lourdes College Bachelor of Science in Nursing, Sylvania, to determine approval status.

J. Brachman asked about the decline in the NCLEX pass rate. A program representative stated that the program has recently doubled the number of students and they now have a competitive admission process resulting in having stronger students. Following review and discussion;

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY KATHLEEN DRISCOLL, THAT THE BOARD GRANT FULL APPROVAL TO LOURDES COLLEGE BACHELOR OF SCIENCE IN NURSING PROGRAM, SYLVANIA, BASED ON THE SURVEY REPORT AND THE PROGRAM'S RESPONSE TO THE REPORT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Trumbull Career & Technical Center School of Practical Nursing Post-Secondary Program, Warren

The Board reviewed the summary report of the May 14-15, 2007 survey visit conducted by J. Smallwood to the Trumbull Career & Technical Center School of Practical Nursing Post-Secondary Program, Warren, to determine approval status. Program representatives were present to answer questions. Following review and discussion;

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY J. JANE MCFEE, THAT THE BOARD GRANT FULL APPROVAL TO TRUMBULL CAREER AND TECHNICAL CENTER POST SECONDARY PRACTICAL NURSING PROGRAM, WARREN, BASED ON THE SURVEY VISIT REPORT AND THE PROGRAM'S RESPONSE TO THE REPORT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Trumbull Career & Technical Center School of Practical Nursing Secondary, Warren

The Board reviewed the summary report of the May 15-16, 2007 survey visit conducted by J. Smallwood to Trumbull Career & Technical Center School of Practical Nursing Secondary, Warren, to determine approval status. Program representatives were present to answer questions.

J. Brachman suggested that the Board discuss the issue of high school nursing programs at a future meeting. E. Buschmann stated she believes schools should be responsible for graduating students only if they meet the requirements. J. Boeckman stated she is concerned about the NCLEX pass rates and she believes the Board should monitor the pass rates. A. Barnett asked about the size of program's 2006 class. A program representative stated that because it is a high

school program, students remain in the program to get high school credit for graduation but they are not considered to have completed the nursing program.

Following review and discussion;

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY KATHLEEN DRISCOLL, THAT THE BOARD PLACE THE PROGRAM ON PROVISIONAL STATUS FOR A PERIOD OF ONE YEAR BASED ON THE SURVEY VISIT REPORT OF TRUMBULL CAREER AND TECHNICAL CENTER SECONDARY PRACTICAL NURSING PROGRAM, WARREN, AND THE RECOMMENDATION OF THE BOARD'S EDUCATION LIAISON. THE SURVEY VISIT WAS CONDUCTED IN ACCORDANCE WITH RULE 4723-5-23(B)(3) PERTAINING TO THE PROGRAM'S NCLEX PASS RATES FOR FIRST TIME NCLEX CANDIDATES WITH PROGRESS REPORTS DUE JANUARY 15, 2008 AND JUNE 15, 2008. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY KATHLEEN DRISCOLL, TO AMEND AND RESTATE THE PREVIOUS MOTION ADOPTED REGARDING THE STATUS OF TRUMBULL CAREER AND TECHNICAL CENTER SECONDARY PRACTICAL NURSING PROGRAM, WARREN, AS FOLLOWS: THAT THE BOARD PLACE THE PROGRAM ON PROVISIONAL STATUS BASED UPON THE SURVEY VISIT REPORT OF TRUMBULL CAREER AND TECHNICAL CENTER SECONDARY PRACTICAL NURSING PROGRAM, WARREN, AND THE PROGRAM'S RESPONSE TO THE REPORT, FOR A PERIOD OF ONE (1) YEAR. IT WAS FURTHER MOVED THAT THE PROGRAM SUBMIT PROGRESS REPORTS ON OR BEFORE JANUARY 15, 2008, AND ON OR BEFORE JUNE 15, 2008. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL ABSTAINED.

Pike County Career Technology Center School of Practical Nursing, Piketon

The Board reviewed the summary report of the May 7-8, 2007 survey visit conducted by J. Zurmehly to the Pike County Career Technology Center of Practical Nursing, Piketon, to determine approval status. Program representatives were present to answer questions. Following review and discussion;

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY J. JANE MCFEE, THAT THE BOARD GRANT FULL APPROVAL TO PIKE COUNTY CAREER TECHNOLOGY CENTER SCHOOL OF PRACTICAL NURSING, PIKETON, BASED ON THE SURVEY REPORT AND THE PROGRAM'S RESPONSE TO THE REPORT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Shawnee State University College of Professional Studies Associate Degree Nursing, Portsmouth

The Board reviewed the summary report of the May 2-3, 2007 survey visit conducted by J. Zurmehly to the Shawnee State University College of Professional Studies Associate Degree Nursing, Portsmouth, to determine approval status. Program representatives were present to answer questions. Following review and discussion;

IT WAS MOVED BY KATHLEEN DRISCOLL, SECONDED BY ELIZABETH BUSCHMANN, THAT THE BOARD GRANT FULL APPROVAL TO SHAWNEE STATE UNIVERSITY COLLEGE OF PROFESSIONAL STUDIES ASSOCIATE DEGREE NURSING PROGRAM, PORTSMOUTH, BASED ON THE SURVEY VISIT REPORT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Retroactive Approvals for Licensees/Certificate Holders

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY ELIZABETH BUSCHMANN, THAT THE BOARD RETROACTIVELY RATIFY, AS SUBMITTED, THE LICENSES AND CERTIFICATES INITIALLY ISSUED BY THE BOARD MAY 1, 2007 THROUGH JUNE 30, 2007 TO THE FOLLOWING: REGISTERED NURSES, LICENSED PRACTICAL NURSES, CERTIFICATES OF AUTHORITY TO CERTIFIED REGISTERED NURSE ANESTHETISTS, CERTIFIED NURSE MIDWIVES, CERTIFIED NURSE PRACTITIONERS, AND CLINICAL NURSE SPECIALISTS, ALL CERTIFICATES TO PRESCRIBE (CTP AND CTP-EXTERNSHIP), OHIO CERTIFIED DIALYSIS TECHNICIANS, COMMUNITY HEALTH WORKERS, MEDICATION AIDE PILOT PROGRAM CERTIFICATES, INTERIM PERMITS FOR LICENSED PRACTICAL NURSES, INTERIM PERMITS FOR REGISTERED NURSES, TEMPORARY CERTIFICATES ONE AND TWO FOR DIALYSIS TECHNICIANS, TAKING INTO ACCOUNT THOSE LICENSES AND CERTIFICATES SUBJECT TO DISCIPLINE, SURRENDER OR NON-RENEWAL TAKING INTO ACCOUNT THOSE LICENSES AND CERTIFICATES SUBJECT TO DISCIPLINE, SURRENDER OR NON-RENEWAL. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

B. Houchen explained that interim permits for licensed practical nurses and registered nurses, and temporary certificates one and two for dialysis technicians have been added for Board approval,

Continuing Education Approver

LPNAO, OBN APPROVER 002-92

L. Halliburton made a site visit to OBN Approver, LPNAO, and recommended their re-approval as an OBN Approver.

IT WAS MOVED BY ANNE BARNETT, SECONDED BY ELIZABETH BUSCHMANN, THAT THE BOARD REAPPROVE LICENSED PRACTICAL NURSE ASSOCIATION OF OHIO, OBN APPROVER 002-92, AS AN OBN APPROVER OF CONTINUING EDUCATION THROUGH JULY 31, 2010, IN ACCORDANCE WITH RULE 4723-14-10, OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

UNIVERSITY OF CINCINNATI COLLEGE OF NURSING, OBN APPROVER 011-93

L. Halliburton made a site visit to OBN Approver, University Of Cincinnati College of Nursing, and recommended their re-approval as an OBN Approver.

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY ELIZABETH BUSCHMANN, THAT THE BOARD REAPPROVE UNIVERSITY OF CINCINNATI COLLEGE OF NURSING, OBN APPROVER 011-93, AS AN OBN APPROVER OF CONTINUING EDUCATION THROUGH JULY 31, 2010, IN ACCORDANCE WITH RULE 4723-14-10, OAC. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. KATHLEEN DRISCOLL ABSTAINED.

OHIO LEAGUE FOR NURSING, OBN APPROVER 006-92

L. Halliburton made a site visit to OBN Approver, Ohio League For Nursing, and recommended their re-approval as an OBN Approver.

IT WAS MOVED BY KATHLEEN O'DELL, SECONDED BY ELIZABETH BUSCHMANN, THAT THE BOARD REAPPROVE THE OHIO LEAGUE FOR NURSING, OBN APPROVER 006-92, AS AN OBN APPROVER OF CONTINUING EDUCATION THROUGH JULY 31, 2010, IN ACCORDANCE WITH RULE 4723-14-10, OAC. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

L. Klenke stated that the site visits made by L. Halliburton to review policies and procedures were well received by the Advisory Group.

Central Ohio Technical College AD Program Curriculum Revision

On March 16, 2007 the faculty at the Central Ohio Technical College submitted a proposal for a curriculum revision that would be implemented for its Winter 2008 cohort. The proposed curriculum was reviewed with the Board's Education Liaison and verified that it meets the requirements of OAC Chapter 4723-5. The Board's Education Liaison is recommending the Board approve the proposed curriculum. Following review;

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY DEBRA BROADNAX, THAT THE BOARD APPROVE THE CURRICULUM REVISIONS AS SUBMITTED BY CENTRAL OHIO TECHNICAL COLLEGE ASSOCIATE DEGREE PROGRAM. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

ADJUDICATION AND COMPLIANCE

NOTICES OF OPPORTUNITY FOR HEARINGS

On Friday, July 20, 2007, the Board considered the following proposed Notices of Opportunity for Hearing that were reviewed by Board members:

IT WAS MOVED BY LISA KLENKE, SECONDED BY PATRICIA BURNS, THAT THE BOARD ISSUE A NOTICE OF OPPORTUNITY FOR HEARING FOR VIOLATIONS OF CHAPTER 4723. ORC FOR THE FOLLOWING CASE(S): TRAMONTANA, JILL, A., R.N. 260047 (CASE #06-1559); SPRADLING, JAMES, F., R.N. 249048 (CASE #07-0640); MILLER, HEATHER, P.N. 116483 (CASE #06-3044); STEGMOYER, GARY, E., R.N. 225978 (CASE #07-0065); FLORES, ANGELA, C., R.N. NCLEX (CASE #07-0249); RICHARD, BRIAN, E., R.N. 310100 (CASE #06-0379); YOUNG, KRIS, L., P.N. 112303 (CASE #06-3050); MARTIN, MARY, T., P.N. 024949 (CASE #07-1131); KECK, SHARON, M., R.N. 309677 (CASE #06-3526); BABLE, ERICA, D., P.N. 110989 (CASE #06-2531); CHEATHAM, TONYA, P.N. 096184 (CASE #06-1265); SERAFINI, LAURA, A., R.N. 283602 (CASE #06-2609); JOHNSON, JANET, L., R.N. 188918 (CASE #07-0238); SPEER, DIANE, P., P.N. 097466 (CASE #05-0124); DILLARD, SIOBAN, M., R.N. 300157 (CASE #07-0169); DILLOW, SANDRA, G., P.N. 105262 (CASE #05-0398); BRAKVILL, JENNIFER, B., P.N. 089799 (CASE #03-2037); DUNN, DONNA, J., R.N. 282979 (CASE #06-3277); DEVERICKS, AUTUMN, L., P.N. 113771 (CASE #07-0727); VESS, KELLY, R.N. 214088 (CASE #06-3549); SYKES, TAMMY, M., P.N. 091577 (CASE #07-0348); SLOAN, GREGORY, A., P.N. 119537 (CASE #06-0698); RAHRIG, CHRIS, K., R.N. 204033 (CASE #07-0007); ZEMAN, TRUDY, E., P.N. 080899 (CASE #06-1614); DONALDSON, CHERYL, E., R.N. 253256 (CASE #07-0863); JENDERS, PATRICIA, A., R.N. 277582 (CASE #07-1965); ABELS, BARBARA, L., R.N. 233946 (CASE #06-1732); HUGHLEY, KEVIN, E., P.N. 100498 (CASE #06-2243); SAUNDERS, TRISH, M., R.N. 281851 (CASE #06-2049); EVANS, VICKIE, L., R.N. 135363 (CASE #07-0641); WILLIAMS, PATRICE, M., D.T. APPLICANT (CASE #07-0818); ROBINSON, CYKEENIA, T., P.N. 113349 (CASE #06-3113); SWISHER, PAMELA, S., P.N. 097886 (CASE #07-0066); DINGUS, SIERRA, J., P.N. 113406 (CASE #06-3547); DELAP, VICTORIA, M., R.N. 299836 (CASE #06-0406); AND SMALLRIDGE, JENNIFER, E., P.N. 120886 (CASE #07-1657). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. DEBRA BROADNAX ABSTAINED ON ALL CASES. ANNE BARNETT WAS ABSENT.

Complete copies of the Notices of Opportunity for Hearing shall be maintained in the exhibit book for the July 2007 Board meeting.

IMMEDIATE SUSPENSIONS AND NOTICE FOR OPPORTUNITY

IT WAS MOVED BY KATHLEEN O'DELL, SECONDED BY JUDITH BRACHMAN, THAT THE BOARD ISSUE A NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING FOR VIOLATIONS OF CHAPTER 4723. ORC FOR THE FOLLOWING CASE(S): HARTSOCK, JOHN, A., R.N. 222770 (CASE #07-0048); SCHOLL, LORI, A., P.N. 090603 (CASE #07-0203); SNOW, ERIN, N., P.N. 119840 (CASE #06-2694); DENNIS, CAROLYN, A., P.N. 089921 (CASE #06-3150); THOMPSON, HEATHER, A., P.N. 117015 (CASE #07-1736); HOWMAN, SARAH, K., P.N. 123772 (CASE #07-0149); CRITES, LOIS, A., P.N. 112490 (CASE #07-0280); EWERS, SANDRA, L., P.N. 118986 (CASE #07-0159); KELLEY, MICHAEL, V., P.N. 118237 (CASE #07-1854); AND DOLES, LEILA, A., R.N. 221789 (CASE #06-2075). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. DEBRA BROADNAX ABSTAINED ON ALL CASES. ANNE BARNETT WAS ABSENT.

Complete copies of the Notices of Immediate Suspension and Opportunity for Hearing shall be maintained in the exhibit book for the July 2007 Board meeting.

AUTOMATIC SUSPENSIONS AND NOTICE FOR OPPORTUNITY

IT WAS MOVED BY PATRICIA BURNS, SECONDED BY KATHLEEN DRISCOLL, THAT THE BOARD ISSUE A NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING FOR VIOLATIONS OF CHAPTER 4723. ORC FOR THE FOLLOWING CASE(S): MORRIS, RHONDA, L., P.N. 109908 (CASE #07-1568); NAVEY, KRISTINA, M., P.N. 123355 (CASE #07-1982); RAMIREZ-FALCON, ANGEL, R., P.N. 104255 (CASE #07-2037); SAUNDERS, CHRISTINA, A., R.N. 297757 (CASE #07-1981); CRAFT, ALLISON, L., R.N. 247273 (CASE #07-1436); KUCHNA, DOUGLAS, K., P.N. 115210 (CASE #07-1569); ROBINSON, BARBARA, A., P.N. 116681 (CASE #07-1312); FORTE, REBECCA, A., R.N. 329816 (CASE #07-2138); GOULD, KELLY, R., P.N. 114325 (CASE #07-1691); AND STRAUB, CHRISTY, J., P.N. 096991 (CASE #07-2035). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. DEBRA BROADNAX ABSTAINED ON ALL CASES. ANNE BARNETT WAS ABSENT.

Complete copies of the Notices of Automatic Suspension and Opportunity for Hearing shall be maintained in the exhibit book for the July 2007 Board meeting.

SURRENDERS

PERMANENT VOLUNTARY SURRENDERS

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY PATRICIA BURNS, THAT THE BOARD ACCEPT THE PERMANENT VOLUNTARY SURRENDER OF LICENSE FOR THE FOLLOWING CASE(S): BUSHIK, ELIZABETH, L., R.N. 123525 (CASE #07-0859); TRUMAN, ANN, M., R.N. 240733 (CASE #06-3258); HIVELY, HUGH, E., P.N. 103880 (CASE #06-2590); WELCH, CASSANDRA, N., R.N. 240990 (CASE #06-0765); MUHLENKAMP, CHASITY, L., R.N. 289236 (CASE #06-1331); PORTER, TAMMY, K., R.N. 248269 (CASE #07-1646); AND HARRISON, DEBRA, S., R.N. 265838 (CASE #06-0172). MOTION

ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. DEBRA BROADNAX ABSTAINED ON ALL CASES. ANNE BARNETT WAS ABSENT.

Complete copies of the Voluntary Surrenders shall be maintained in the exhibit book for the July 2007 Board meeting.

WITHDRAWALS OF APPLICATIONS
VOLUNTARY NON-PERMANENT WITHDRAWAL OF NCLEX-EXAMINATION APPLICATION

IT WAS MOVED BY KATHLEEN O'DELL, SECONDED BY JUDITH BRACHMAN, THAT THE BOARD ACCEPT THE VOLUNTARY NON-PERMANENT WITHDRAWAL OF APPLICATION FOR LICENSURE BY NCLEX-EXAMINATION FOR THE FOLLOWING CASE(S): JACKSON, KADIJAH, C., R.N. NCLEX (CASE #07-0241); MILLER, BRANDON, D., P.N. NCLEX (CASE #07-0064); HARRIS-EDWARDS, CATHERINE, P.N. NCLEX (CASE #07-0895); AND JACKSON, LASHANDA, J., P.N. NCLEX (CASE #07-1212). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. DEBRA BROADNAX ABSTAINED ON ALL CASES. ANNE BARNETT WAS ABSENT.

CONSENT AGREEMENTS

On Friday, July 20, 2007, 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: STINER, AMANDA, J., P.N. 117355 (CASE #07-0134); MCCARTHY, MARY, P., R.N. 212519 (CASE #07-1381); MALCOLM-FORBES, SONIA, M., R.N. 279087 (CASE #06-0809); BROWN, LORI, A., R.N. 216268 (CASE #04-0834); LLOYD, SHEILA, M., R.N. 295208 (CASE #05-1372); DICKIE, MARTHA, J., P.N. 054722 (CASE #06-0347); CROWE, BARBARA, L., R.N. 305355 (CASE #06-1140); HAWKINS, CYNTHIA, S., R.N. 297932 (CASE #05-1604); PAWUL, JENNIFER, S., R.N. 271786 (CASE #07-0141); GRAHAM, CHRISTINE, M., R.N. 191122 (CASE #06-2603); SOBEK, MELANIE, R., P.N. 105492 (CASE #06-2857); VICTOR, DEBORAH, A., P.N. NCLEX (CASE #07-1050); GREGORY, TIFFANY, C., P.N. NCLEX (CASE #07-1238); BUSH-COTTLE, IRIS, A., P.N. 071765 (CASE #07-0427); FIELDS-BAER, BILLIE JO, P.N. 115688 (CASE #06-2108); KILPATRICK, JANE, G., R.N. 322138 (CASE #07-0880); ORR, LAURIE, D., R.N. 217322 (CASE #07-0921); WIRRIG, WANDA, K., P.N. 115840 (CASE #06-1521); ADAMS, STACEY, L., P.N. 093989 (CASE #05-2590); CLARK, BELINDA, L., P.N. NCLEX (CASE #07-1001); MORGAN, SCOTT, R., P.N. 095855 (CASE #04-0563); SMITH, CHERYL, A., R.N. 278641 (CASE #07-0729); TAYLOR, AMANDA, J., R.N. 290208 (CASE #06-1328); MAMMONE, KANDY, L., P.N. 099068 (CASE #06-2639); MALONE, KIMBERLY, A., R.N. 186520 (CASE #06-1803); KOLESAR, DAVID, J., P.N. 113599 (CASE #06-0122); EVANS, RANDY, L., R.N. 210165

(CASE #06-3304); PATTEN, PAMELA, G., R.N. 261047 (CASE #07-1747); GLASSMEYER, JEAN, H., R.N. 131616 (CASE #07-1034); CHAPMAN, DIANA, K., R.N. 322665 (CASE #06-1731); RAMPE, CHRISTA, L., P.N. 117954 (CASE #06-3017); PUTKA, KAREN, L., P.N. 073597 (CASE #05-2678); HARDMAN, TERRI, L., R.N. 333805 (CASE #07-1421); HRESKO, JOY, A., R.N. 216919 (CASE #06-2137); WILLIAMS, SANDRA, K., P.N. 107244 (CASE #07-0215); APONTE, MARILYN, P.N. 109396 (CASE #07-0683); LONG, YVONNE, B., R.N. 210306 (CASE #07-1792); LUTE, NANCY, J., P.N. 107059 (CASE #06-3256); KARABIN, BEVERLY, L., R.N. 186845 (CASE #07-1631); CATHIS, LAUREN, E., R.N. 217548 (CASE #05-2373); MATHERS, KIMBERLY, M., R.N. 274099 (CASE #05-2718); PRICE, MELISSA, E., R.N. 196509 (CASE #07-0156); DUCAR, LISA, M., P.N. 107677 (CASE #05-2952); TANNER, SAMANTHA, A., P.N. 115953 (CASE #07-1088); CAVAN, THOMAS, H., R.N. NCLEX (CASE #07-1019); RINGENBACH, LAURA, A., R.N. 318002 (CASE #07-0662); COX, ANTHONY, T., P.N. 089801 (CASE #02-0804); VAN BUREN, GARY, R., R.N. 324417 (CASE #06-2275); LIVELY, AMY, D., R.N. 292128 (CASE #06-3329); WRIGHT, DAWN, R., P.N. 099269 (CASE #03-0230); BUKOVINSKY, CYNTHIA, A., R.N. 326877 (CASE #07-0917); WADDELL, HEATHER, M., P.N. 124130 (CASE #07-1726); WELLS, RAYMEKA, R., P.N. NCLEX (CASE #07-1093); RUSSELL, JESSICA, N., P.N. ENDORSE (CASE #07-0932); PAPST, JENNIFER, L., P.N. 097204 (CASE #07-0898); ANDERSON, AMY, M., P.N. 109253 (CASE #03-0985); WALKER, REBECCA, R., R.N. 197637 (CASE #06-0803); KING, FATIMA, L., P.N. 123731 (CASE #06-3131); TAYLOR, MARY, E., P.N. 094783 (CASE #05-3073); BRINKMAN, ANN, M., R.N. 274719 (CASE #03-2228); THOMAS, DAVID, E., R.N. 230010 (CASE #07-0430); HALL, JENNIFER, S., R.N. 294884 (CASE #07-1627); STREETS, SUSAN, K., R.N. 201463 (CASE #06-2604); CUNNINGHAM, MICHELLE, M., R.N. 283210 (CASE #07-1837); LEWIS, DEBORAH, J., P.N. 051607 (CASE #07-1370); MESSNER, BOBBI, N., R.N. 280980 (CASE #07-1186); ROE, JENNY, R., P.N. 106939 (CASE #06-3469); KISH, CINDY, L., R.N. 250450 (CASE #05-3496); ANSBACK, DENISE, M., R.N. 302798 (CASE #06-1191); MILLS, HEATHER, M., R.N. NCLEX (CASE #06-3213); MATTISON, AUNDREA, L., P.N. 122455 (CASE #07-1335); METCALFE, BONNIE, P.N. 100315 (CASE #04-2505); HARRISON, JAMES, E., P.N. ENDORSE (CASE #07-0948); LOZIER, CAROLYN, K., P.N. 101760 (CASE #07-0688); ADAMS, LISA, K., P.N. 094210 (CASE #05-3031); BROOKS, JR., JAMES, M., R.N. 316702 (CASE #05-0590); BASINGER, DAVID, J., P.N. 086372 (CASE #06-2961); LUPE, PATRICIA, J., R.N. 091389 (CASE #07-0285); WOODS, SANDRA, J., P.N. 079579 (CASE #07-1817); BURNSIDE, AMY, M., P.N. 106275 (CASE #07-1325); DEAS, ERIN, E., R.N. 288671 (CASE #06-2973); GOLUS, KAREN, L., R.N. 195179 (CASE #05-0936); HOULIHAN, LISA, L., P.N. 119476 (CASE #07-0548); STOFF, GLORIA, J., R.N. 270126 (CASE #04-2641); CLARK, SHERRY, E., R.N. 117160 (CASE #06-2837); THOMPSON, BERRY, J., R.N. 211158 (CASE #07-1815); KUSMITS, JANELLE, M., R.N. 301447 (CASE #07-0995); BAUMAN, AMBROZINE, C., R.N. 261090 (CASE #07-2093); HORSLEY, NOELLE, T., R.N. 235625 (CASE #06-0350); BRODERICK, ROBIN, L., R.N. 215613 (CASE #07-0476); RUSSELL, MARIANNE, R.N. 234611 (CASE #07-1333); TIBBS, KELLEY, M., P.N. 100660 (CASE #05-2853); AND

SHECK, ROBERTA, L., R.N. 169250 (CASE #03-1141). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. JUDITH BRACHMAN OPPOSED ON THE FOLLOWING CASE(S): COX, ANTHONY, T., P.N. 089801 (CASE #02-0804); BROOKS, JR., JAMES, M., R.N. 316702 (CASE #05-0590); AND BASINGER, DAVID, J., P.N. 086372 (CASE #06-2961). ELIZABETH BUSCHMANN OPPOSED ON THE FOLLOWING CASE(S): ANSBACK, DENISE, M., R.N. 302798 (CASE #06-1191). KATHLEEN DRISCOLL OPPOSED ON THE FOLLOWING CASE(S): HARRISON, JAMES, E., P.N. ENDORSE (CASE #07-0948). DEBRA BROADNAX ABSTAINED ON ALL CASES. ANNE BARNETT WAS ABSENT.

Complete copies of the Consent Agreement(s) shall be maintained in the exhibit book for the July 2007 Board meeting.

HEARING EXAMINER REPORT & RECOMMENDATION

GOSNELL, CINDY, S., R.N. 279503 (CASE #03-0555)

On Thursday, July 19, 2007 Cindy Gosnell and her attorney Terry Lynn Smiles addressed the Board regarding the Hearing Officer's Report and Recommendation. AAG Leah O'Carroll, JD, also addressed the Board members.

On Friday, July 20, 2007, 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 Gosnell, Cindy, S., R.N. 279503 (Case #03-0555); upon hearing affirmative responses from each voting Board member that they reviewed all of the following: Hearing transcript, Exhibits, Hearing Examiner's Report and Recommendation, and Objections to the Report and Recommendation.

IT WAS MOVED BY ELIZABETH BUSCHMANN, 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 CINDY GOSNELL'S LICENSE TO PRACTICE NURSING, AS A REGISTERED NURSE IN THE STATE OF OHIO IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME, BUT NOT LESS THAN THREE (3) YEARS, AND THAT THE SUSPENSION SHALL BE STAYED SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS FOR A MINIMUM PERIOD OF THREE (3) YEARS AND THE TEMPORARY PRACTICE RESTRICTIONS SET FORTH BELOW.

THE BOARD HAS TAKEN INTO CONSIDERATION THE MITIGATING FACTOR THAT THIS IS THE FIRST TIME THAT MS. GOSNELL HAS BEEN BEFORE THE BOARD. HOWEVER, THE RATIONALE FOR THE MODIFICATION IS BASED UPON THE BOARD'S EXPERTISE AND DETERMINATION THAT MS. GOSNELL

REQUIRES EDUCATION, REMEDIATION, AND MONITORING OF HER NURSING PRACTICE TO ENSURE THAT MS. GOSNELL PRACTICES NURSING SAFELY. FURTHER, IN ORDER TO ENSURE PUBLIC PROTECTION, MS. GOSNELL SHOULD BE RESTRICTED FROM HIGH-RISK PRACTICE AREAS, HER CURRENT POSITION, AND FROM FUNCTIONING IN SUPERVISORY ROLES THAT INVOLVE MANAGEMENT OF NURSING AND NURSING RESPONSIBILITIES, AND EVALUATING NURSING PRACTICE FOR A MINIMUM PERIOD OF TWO (2) YEARS. THESE POSITIONS INCLUDE VICE PRESIDENT OF NURSING, DIRECTOR OF NURSING, AND ASSISTANT DIRECTOR OF NURSING.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

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

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

EDUCATIONAL NEEDS ASSESSMENT AND LEARNING PLAN

WITHIN ONE HUNDRED TWENTY (120) DAYS FOLLOWING THE EFFECTIVE DATE OF THIS ORDER, MS. GOSNELL SHALL ESTABLISH CONTACT WITH A NURSING EDUCATOR APPROVED IN ADVANCE BY THE BOARD WHO HAS NO LESS THAN A MASTER'S DEGREE AND WHO IS AFFILIATED WITH A NURSING EDUCATIONAL PROGRAM. FURTHER, MS. GOSNELL SHALL HAVE THE EDUCATOR PROVIDE THE BOARD WITH A WRITTEN REPORT OF AN ASSESSMENT OF MS. GOSNELL THAT IDENTIFIES ANY KNOWLEDGE/PRACTICE DEFICIENCIES AND REMEDIAL EDUCATIONAL NEEDS OF MS. GOSNELL. PRIOR TO THE ASSESSMENT, MS. GOSNELL SHALL PROVIDE THE NURSING EDUCATOR WITH A COPY OF THIS ORDER, THE REPORT AND RECOMMENDATION, AND THE HEARING TRANSCRIPT, AND SHALL SUBMIT TO ANY NURSING SKILLS OR KNOWLEDGE ASSESSMENTS REQUIRED BY THE EDUCATOR. MS. GOSNELL SHALL ALSO EXECUTE RELEASES PRIOR TO THE ASSESSMENT TO PERMIT THE EDUCATOR TO OBTAIN ANY INFORMATION DEEMED APPROPRIATE AND NECESSARY FOR THE ASSESSMENT INCLUDING INFORMATION FROM MS. GOSNELL'S EMPLOYER(S) AND FORMER EMPLOYERS. FOLLOWING THE ASSESSMENT, MS. GOSNELL SHALL HAVE THE EDUCATOR PROVIDE THE BOARD WITH A COPY OF A LEARNING PLAN DEVELOPED BY THE EDUCATOR FOR MS. GOSNELL AND SHALL OBTAIN APPROVAL OF THE LEARNING PLAN BY THE BOARD OR A BOARD DESIGNEE. THE LEARNING PLAN SHALL IDENTIFY SPECIFIC REMEDIATION THAT MS. GOSNELL SHALL COMPLETE TO ADDRESS ANY KNOWLEDGE/PRACTICE DEFICIENCIES AND REMEDIAL EDUCATIONAL NEEDS IDENTIFIED BY THE EDUCATOR AND SHALL IDENTIFY THE TIME FRAME DURING WHICH MS. GOSNELL SHALL COMPLETE SUCH LEARNING PLAN. MS. GOSNELL SHALL SUCCESSFULLY COMPLETE AND SUBMIT

SATISFACTORY DOCUMENTATION OF SUCCESSFUL COMPLETION OF THE LEARNING PLAN WITHIN THE TIME FRAME SPECIFIED IN THE LEARNING PLAN. AFTER MS. GOSNELL HAS SUCCESSFULLY COMPLETED THE LEARNING PLAN, THE EDUCATOR SHALL PROVIDE TO THE BOARD AN ASSESSMENT AND ANY RECOMMENDATIONS FOR ADDITIONAL REMEDIAL EDUCATION AND/OR RESTRICTIONS THAT SHOULD BE PLACED ON MS. GOSNELL'S LICENSE TO PRACTICE. FURTHERMORE, THE EDUCATOR SHALL PROVIDE TO THE BOARD A WRITTEN OPINION STATING WHETHER MS. GOSNELL IS CAPABLE OF PRACTICING NURSING ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE. MS. GOSNELL SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH MEETING THIS REQUIREMENT.

BY JANUARY 1, 2008, MS. GOSNELL SHALL SUCCESSFULLY COMPLETE AND SUBMIT SATISFACTORY DOCUMENTATION OF HER SUCCESSFUL COMPLETION OF THE FOLLOWING CONTINUING NURSING EDUCATION: TEN (10) HOURS OF ETHICS; TEN (10) HOURS OF MANAGEMENT/LEADERSHIP; AND ONE (1) HOUR OF LAW AND RULES SPECIFIC TO DELEGATION.

EMPLOYMENT CONDITIONS

MS. GOSNELL SHALL OBTAIN APPROVAL OF THE BOARD OR ITS DESIGNEE PRIOR TO ACCEPTING ANY POSITION/EMPLOYMENT REQUIRING A NURSING LICENSE.

MS. GOSNELL 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. GOSNELL 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. GOSNELL IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

DURING ANY NURSING EMPLOYMENT, MS. GOSNELL SHALL HAVE A BOARD APPROVED REGISTERED NURSE WORK SITE MONITOR. THE MONITOR SHALL SUBMIT WRITTEN REPORTS TO THE BOARD REGARDING MS. GOSNELL'S NURSING PRACTICE AND JOB PERFORMANCE ON A QUARTERLY BASIS. THE WRITTEN REPORTS SHALL BE SUBMITTED ON FORMS PROVIDED BY THE BOARD.

REPORTING REQUIREMENTS OF MS. GOSNELL

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

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

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

TEMPORARY PRACTICE RESTRICTIONS

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

FOR A MINIMUM PERIOD OF TWO (2) YEARS, MS. GOSNELL SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING AND NURSING RESPONSIBILITIES, OR SUPERVISING AND EVALUATING NURSING PRACTICE. SUCH POSITIONS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING: DIRECTOR OF NURSING, ASSISTANT DIRECTOR OF NURSING, NURSE MANAGER, VICE PRESIDENT OF NURSING. MS. GOSNELL MAY SUBMIT A

WRITTEN REQUEST FOR RECONSIDERATION OF THIS RESTRICTION AFTER THE TWO (2) YEAR PERIOD DESCRIBED ABOVE.

FAILURE TO COMPLY

THE STAY OF MS. GOSNELL'S SUSPENSION SHALL BE LIFTED AND MS. GOSNELL'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. GOSNELL HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. GOSNELL VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. GOSNELL 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. GOSNELL HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. GOSNELL IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. GOSNELL AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. GOSNELL 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 20TH DAY OF JULY 2007. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. JUDITH BRACHMAN AND CYNTHIA KREUGER OPPOSED STATING MS. GOSNELL SHOULD BE PERMANENTLY REVOKED. J. JANE MCFEE OPPOSED STATING MS. GOSNELL SHOULD HAVE PERMANENT RESTRICTIONS. ERIC YOON OPPOSED. ANNE BARNETT SUBMITTED A WRITTEN STATEMENT REQUESTING THAT THE RECORD REFLECT THAT SHE FEELS MS. GOSNELL SHOULD HAVE A LONGER PRACTICE RESTRICTION OF AT LEAST FIVE YEARS BEFORE SHE COULD PRACTICE AS A NURSE IN A SUPERVISORY ROLE. ANNE BARNETT WAS ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the July 2007 Board meeting.

TOPOROWSKY, SAMANTHA, L., P.N. 109289 (CASE #06-0049)

On Friday, July 20, 2007, 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 Toporowsky, Samantha, L., P.N. 109289 (Case #06-0049); upon hearing affirmative responses from each voting Board member that they reviewed all of the following: Hearing transcript, State's Exhibits, and the Hearing Examiner's Report and Recommendation.

IT WAS MOVED BY KATHLEEN DRISCOLL, SECONDED BY ELIZABETH BUSCHMANN, 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 SAMANTHA TOPOROWSKY'S LICENSE TO PRACTICE NURSING, AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO IS HEREBY PERMANENTLY REVOKED.

THE BOARD FURTHER ORDERS SAMANTHA TOPOROWSKY TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #P.N. 109289 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 20TH DAY OF JULY 2007. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. ANNE BARNETT WAS ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the July 2007 Board meeting.

NO REQUEST FOR HEARING CASES

PLUM, JAMES, J., R.N. 172925 (CASE #06-1758)

IT WAS MOVED BY KATHLEEN DRISCOLL, SECONDED BY PATRICIA BURNS, IN THE MATTER OF JAMES PLUM, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MR. PLUM IN THE NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MR. PLUM 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 THAT JAMES PLUM'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IN THE STATE OF OHIO IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME, BUT NOT LESS THAN EIGHTEEN (18) MONTHS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW, AND THAT FOLLOWING REINSTATEMENT, MR. PLUM SHALL BE SUBJECT TO THE PERMANENT PRACTICE RESTRICTIONS SET FORTH BELOW, AND THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF THREE (3) YEARS.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

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

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

MONITORING

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

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

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MR. PLUM 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. PLUM SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER. FURTHER, MR. PLUM 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. PLUM 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. PLUM'S LICENSE.

FOR A MINIMUM, CONTINUOUS PERIOD OF EIGHTEEN (18) MONTHS IMMEDIATELY PRIOR TO REQUESTING REINSTATEMENT, MR. PLUM 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. PLUM'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. PLUM SHALL BE NEGATIVE, EXCEPT FOR SUBSTANCES PRESCRIBED, ADMINISTERED, OR DISPENSED TO HIM BY ANOTHER SO AUTHORIZED BY LAW WHO HAS FULL KNOWLEDGE OF MR. PLUM'S HISTORY.

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

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

REPORTING REQUIREMENTS OF MR. PLUM

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

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

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

DURATION

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

FOLLOWING REINSTATEMENT, MR. PLUM SHALL BE SUBJECT TO THE FOLLOWING PERMANENT PRACTICE RESTRICTIONS:

PERMANENT PRACTICE RESTRICTIONS

MR. PLUM SHALL NOT PROVIDE DIRECT, HANDS ON PATIENT CARE OR SUPERVISE DIRECT, HANDS ON PATIENT CARE.

MR. PLUM SHALL OBTAIN PRIOR WRITTEN APPROVAL FROM THE BOARD BEFORE ACCEPTING ANY POSITION REQUIRING A NURSING LICENSE.

MR. PLUM SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING AND NURSING RESPONSIBILITIES, OR SUPERVISING AND EVALUATING NURSING PRACTICE. SUCH POSITIONS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING: DIRECTOR OF NURSING, ASSISTANT DIRECTOR OF NURSING, NURSE MANAGER, VICE PRESIDENT OF NURSING.

PERMANENT NARCOTIC RESTRICTION

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

MR. PLUM SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS DURING EMPLOYMENT.

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

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

MONITORING

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

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

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

MR. PLUM 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. PLUM 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. PLUM 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. PLUM 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. PLUM 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. PLUM THROUGHOUT THE DURATION OF THIS ORDER.

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

EMPLOYMENT CONDITIONS

MR. PLUM 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. PLUM SHALL PROVIDE HIS EMPLOYER(S) WITH A COPY OF THIS ORDER AND ALL PRIOR BOARD ACTIONS AND SHALL HAVE HIS EMPLOYER(S) SEND DOCUMENTATION TO THE BOARD, ALONG WITH THE FIRST EMPLOYER REPORT, OF RECEIPT OF A COPY OF THIS ORDER AND ALL PRIOR BOARD ACTIONS. FURTHER, MR. PLUM IS UNDER A CONTINUING DUTY TO

PROVIDE A COPY OF THIS ORDER AND ALL PRIOR BOARD ACTIONS TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

REPORTING REQUIREMENTS OF MR. PLUM

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

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

MR. PLUM 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 MR. PLUM'S SUSPENSION SHALL BE LIFTED AND MR. PLUM'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MR. PLUM HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MR. PLUM VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HIS LICENSE. UPON RECEIPT OF THIS NOTICE, MR. PLUM 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. PLUM HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MR. PLUM IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MR. PLUM AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MR. PLUM 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 JAMES PLUM TO SURRENDER HIS REGISTERED NURSE LICENSE #R.N. 172925 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 20TH DAY OF JULY 2007. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. ANNE BARNETT WAS ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the July 2007 Board meeting.

SATTERFIELD, ANNA, M., R.N. 260550 (CASE #05-2259)

IT WAS MOVED BY PATRICIA BURNS, SECONDED BY LISA KLENKE, IN THE MATTER OF ANNA SATTERFIELD, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. SATTERFIELD IN THE NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MS. SATTERFIELD 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 THAT ANNA SATTERFIELD'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IN THE STATE OF OHIO IS HEREBY PERMANENTLY REVOKED.

THE BOARD FURTHER ORDERS ANNA SATTERFIELD TO SURRENDER HER REGISTERED NURSE LICENSE #R.N. 260550 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 20TH DAY OF JULY 2007. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. ANNE BARNETT WAS ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the July 2007 Board meeting.

CASTILLO, DORA, M., P.N. 100908 (CASE #05-3256)

IT WAS MOVED BY LISA KLENKE, SECONDED BY J. JANE MCFEE, IN THE MATTER OF DORA CASTILLO, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. CASTILLO IN THE NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MS. CASTILLO 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 THAT DORA CASTILLO'S LICENSE TO PRACTICE NUSING AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO IS HEREBY PERMANENTLY REVOKED.

THE BOARD FURTHER ORDERS DORA CSTILLO TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #PN 100908 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 20TH DAY OF JULY 2007. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. ANNE BARNETT WAS ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the July 2007 Board meeting.

DUELLMAN, MARGARET, A., R.N. 294244 (CASE #05-0263)

IT WAS MOVED BY JANET L. BOECKMAN, SECONDED BY J. JANE MCFEE, IN THE MATTER OF MARGARET DUELLMAN, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. DUELLMAN IN THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MS. DUELLMAN 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 MARGARET DUELLMAN'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IN THE STATE OF OHIO IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME, BUT NOT LESS THAN THREE (3) YEARS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW, AND THAT FOLLOWING REINSTATEMENT, MS. DUELLMAN 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 THE PERMANENT NARCOTIC RESTRICTION SET FORTH BELOW.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

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

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

MONITORING

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

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

PRIOR TO SEEKING REINSTATEMENT BY THE BOARD, MS. DUELLMAN 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. DUELLMAN SHALL PROVIDE THE CHEMICAL DEPENDENCY PROFESSIONAL WITH A COPY OF THIS ORDER AND NOTICE OF OPPORTUNITY FOR HEARING. FURTHER, MS. DUELLMAN 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. DUELLMAN 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. DUELLMAN'S LICENSE.

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

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

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

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

REPORTING REQUIREMENTS OF MS. DUELLMAN

MS. DUELLMAN SHALL SIGN RELEASE OF INFORMATION FORMS ALLOWING HEALTH PROFESSIONALS AND OTHER ORGANIZATIONS TO SUBMIT

REQUESTED DOCUMENTATION OR INFORMATION DIRECTLY TO THE BOARD.

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

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

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

DURATION

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

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

MS. DUELLMAN SHALL OBEY ALL FEDERAL, STATE, AND LOCAL LAWS, AND ALL LAWS AND RULES GOVERNING THE PRACTICE OF NURSING IN OHIO. MS. DUELLMAN SHALL APPEAR IN PERSON FOR INTERVIEWS BEFORE THE FULL BOARD OR ITS DESIGNATED REPRESENTATIVE AS REQUESTED BY THE BOARD.

MONITORING

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

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

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

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

WITHIN TWENTY-FOUR (24) HOURS OF RELEASE FROM HOSPITALIZATION OR MEDICAL TREATMENT, MS. DUELLMAN 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. DUELLMAN SHALL NOTIFY THE BOARD.

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

REPORTING REQUIREMENTS OF MS. DUELLMAN

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

MS. DUELLMAN 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.

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

MS. DUELLMAN 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 AND IF REQUESTED BY THE BOARD OR ITS DESIGNEE, MS. DUELLMAN SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

PERMANENT NARCOTIC RESTRICTION

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

PERMANENT PRACTICE RESTRICTIONS

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

MS. DUELLMAN SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING AND NURSING RESPONSIBILITIES, OR SUPERVISING AND EVALUATING NURSING PRACTICE. SUCH POSITIONS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING: DIRECTOR OF NURSING, ASSISTANT DIRECTOR OF NURSING, NURSE MANAGER, VICE PRESIDENT OF NURSING.

FAILURE TO COMPLY

THE STAY OF MS. DUELLMAN'S SUSPENSION SHALL BE LIFTED AND MS. DUELLMAN'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. DUELLMAN HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. DUELLMAN VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. DUELLMAN 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. DUELLMAN HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MS. DUELLMAN IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. DUELLMAN AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. DUELLMAN 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 MARGARET DUELLMAN TO SURRENDER HER REGISTERED NURSE LICENSE #R.N. 294244 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 20TH DAY OF JULY

2007. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. ANNE BARNETT WAS ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the July 2007 Board meeting.

HILL, CELESTINE, R.N. 222413 (CASE #05-2691)

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, IN THE MATTER OF CELESTINE HILL, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. HILL IN THE NOTICE OF OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MS. HILL 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 THAT CELESTINE HILL'S LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IN THE STATE OF OHIO IS HEREBY PERMANENTLY REVOKED.

THE BOARD FURTHER ORDERS CELESTINE HILL TO SURRENDER HER REGISTERED NURSE LICENSE #R.N. 222413 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 20TH DAY OF JULY 2007. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. ANNE BARNETT ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the July 2007 Board meeting.

PEARSON, SHEVENE, C., P.N. 097205 (CASE #06-2495)

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY J. JANE MCFEE, IN THE MATTER OF SHEVENE PEARSON, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. PEARSON IN THE NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MS. PEARSON 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 SHEVENE PEARSON'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO IS HEREBY PERMANENTLY REVOKED.

THE BOARD FURTHER ORDERS SHEVENE PEARSON TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #PN 097205 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 20TH DAY OF JULY 2007. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. ANNE BARNETT WAS ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the July 2007 Board Meeting.

BROWN, KATHEY, A., P.N. 103560 (CASE #06-3379)

IT WAS MOVED BY KATHLEEN O'DELL, SECONDED BY JUDITH BRACHMAN, IN THE MATTER OF KATHEY BROWN, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MS. BROWN IN THE NOTICE OF AUTOMATIC SUSPENSION AND OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MS. BROWN 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 THAT KATHEY BROWN'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE IN THE STATE OF OHIO IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME, BUT NOT LESS THAN ONE (1) YEAR WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW, AND THAT FOLLOWING REINSTATEMENT, MS. BROWN SHALL BE SUBJECT TO THE PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS SET FORTH BELOW FOR A MINIMUM PERIOD OF ONE (1) YEAR, AND PERMANENT PRACTICE RESTRICTIONS AS SET FORTH BELOW. MS. BROWN IS ALSO FINED \$500 FOR THE VIOLATION OF HER CONSENT AGREEMENT REQUIRING HER TO NOTIFY THE BOARD OF ANY EMPLOYERS.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

MS. BROWN SHALL SUBMIT SATISFACTORY DOCUMENTATION OF HER PAYMENT IN FULL OF THE \$500 FINE IMPOSED BY THE BOARD.

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

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

REPORTING REQUIREMENTS OF MS. BROWN

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

BOARD.

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

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

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

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

MS. BROWN SHALL APPEAR IN PERSON FOR INTERVIEWS 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. BROWN SHALL OBTAIN PRIOR WRITTEN APPROVAL FROM THE BOARD OR ITS DESIGNEE.

MS. BROWN 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. BROWN 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. BROWN IS UNDER A CONTINUING DUTY TO PROVIDE A COPY OF THIS ORDER TO ANY NEW EMPLOYER PRIOR TO ACCEPTING EMPLOYMENT.

REPORTING REQUIREMENTS OF MS. BROWN

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

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

MS. BROWN 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. BROWN SHALL COMPLETE A NURSE REFRESHER COURSE OR EXTENSIVE ORIENTATION APPROVED IN ADVANCE BY THE BOARD.

PERMANENT PRACTICE RESTRICTIONS

UNLESS OTHERWISE APPROVED BY THE BOARD OR ITS DESIGNEE, MS. BROWN 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. BROWN TO PROVIDE NURSING SERVICES FOR FEES, COMPENSATION, OR OTHER CONSIDERATION OR AS A VOLUNTEER.

UNLESS OTHERWISE APPROVED BY THE BOARD OR ITS DESIGNEE, MS. BROWN SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING AND NURSING RESPONSIBILITIES, OR SUPERVISING AND EVALUATING NURSING PRACTICE. SUCH POSITIONS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING: DIRECTOR OF NURSING, ASSISTANT DIRECTOR OF NURSING, NURSE MANAGER, VICE PRESIDENT OF NURSING.

FAILURE TO COMPLY

THE STAY OF MS. BROWN'S SUSPENSION SHALL BE LIFTED AND MS. BROWN'S LICENSE TO PRACTICE NURSING AS A LICENSED PRACTICAL NURSE WILL BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MS. BROWN HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MS. BROWN VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HER LICENSE. UPON RECEIPT OF THIS NOTICE, MS. BROWN 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. BROWN HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD

DETERMINES THAT MS. BROWN IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MS. BROWN AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MS. BROWN 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 KATHEY BROWN TO SURRENDER HER LICENSED PRACTICAL NURSE LICENSE #P.N. 103560 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 20TH DAY OF JULY 2007. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. DEBRA BROADNAX ABSTAINED. ANNE BARNETT WAS ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the July 2007 Board meeting.

SOWERS, TERRY, L., R.N. 208095 (CASE #06-1314)

IT WAS MOVED BY JUDITH BRACHMAN, SECONDED BY KATHLEEN O'DELL, IN THE MATTER OF TERRY SOWERS, THAT UPON CONSIDERATION OF THE CHARGES STATED AGAINST MR. SOWERS IN THE NOTICE OF OPPORTUNITY FOR HEARING AND EVIDENCE SUPPORTING THE CHARGES THE BOARD FINDS THAT MR. SOWERS 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 THAT TERRY SOWERS' LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IN THE STATE OF OHIO IS HEREBY SUSPENDED FOR AN INDEFINITE PERIOD OF TIME, BUT NOT LESS THAN TWO (2) YEARS WITH THE CONDITIONS FOR REINSTATEMENT SET FORTH BELOW, AND THAT FOLLOWING REINSTATEMENT, MR. SOWERS 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 SET FORTH BELOW.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

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

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

PSYCHIATRIC EVALUATION

MR. SOWERS SHALL, AT HIS OWN EXPENSE, OBTAIN A PSYCHIATRIC EVALUATION AT THE PROGRAM FOR PROFESSIONALS AT THE CENTER FOR MARITAL AND SEXUAL HEALTH, INC., 23230 CHAGRIN BLVD., SUITE 350, BEACHWOOD, OHIO 44122 (CENTER), OR ANOTHER EVALUATOR APPROVED IN ADVANCE BY THE BOARD OR ITS DESIGNEE. PRIOR TO THE EVALUATION, MR. SOWERS SHALL PROVIDE THE EVALUATORS WITH A COPY OF THIS CONSENT AGREEMENT AND SHALL EXECUTE RELEASES TO PERMIT THE PSYCHIATRIST TO OBTAIN ANY INFORMATION DEEMED APPROPRIATE AND NECESSARY FOR THE EVALUATION. THE PSYCHIATRIST SHALL SUBMIT A WRITTEN OPINION TO THE BOARD THAT INCLUDES DIAGNOSES, RECOMMENDATIONS FOR TREATMENT AND MONITORING, ANY ADDITIONAL RESTRICTIONS THAT SHOULD BE PLACED ON MR. SOWERS' LICENSE, AND A STATEMENT THAT MR. SOWERS IS CAPABLE OF PRACTICING NURSING ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE.

MR. SOWERS SHALL PROVIDE THE BOARD WITH SATISFACTORY DOCUMENTATION OF COMPLIANCE WITH ALL ASPECTS OF THE TREATMENT PLAN DEVELOPED BY THE PROFESSIONAL ABOVE UNTIL RELEASED.

REPORTING REQUIREMENTS OF MR. SOWERS

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

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

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

DURATION

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

FOLLOWING REINSTATEMENT, MR. SOWERS SHALL BE SUBJECT TO THE FOLLOWING PERMANENT PRACTICE RESTRICTIONS:

PERMANENT PRACTICE RESTRICTIONS

MR. SOWERS SHALL NOT PROVIDE DIRECT, HANDS ON PATIENT CARE.

MR. SOWERS SHALL OBTAIN PRIOR WRITTEN APPROVAL FROM THE BOARD BEFORE ACCEPTING ANY POSITION REQUIRING A NURSING LICENSE.

UNLESS OTHERWISE APPROVED BY THE BOARD OR ITS DESIGNEE, MR. SOWERS SHALL NOT FUNCTION IN A POSITION OR EMPLOYMENT WHERE THE JOB DUTIES OR REQUIREMENTS INVOLVE MANAGEMENT OF NURSING AND NURSING RESPONSIBILITIES, OR SUPERVISING AND EVALUATING NURSING PRACTICE. SUCH POSITIONS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING: DIRECTOR OF NURSING, ASSISTANT DIRECTOR OF NURSING, NURSE MANAGER, VICE PRESIDENT OF NURSING.

MR. SOWERS SHALL BE SUBJECT TO THE FOLLOWING PROBATIONARY TERMS, CONDITIONS, AND LIMITATIONS DURING EMPLOYMENT:

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

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

EMPLOYMENT CONDITIONS

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

REPORTING REQUIREMENTS OF MR. SOWERS

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

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

MR. SOWERS 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 MR. SOWERS' SUSPENSION SHALL BE LIFTED AND MR. SOWERS' LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE WILL

BE AUTOMATICALLY SUSPENDED IF IT APPEARS TO THE BOARD THAT MR. SOWERS HAS VIOLATED OR BREACHED ANY TERMS OR CONDITIONS OF THIS ORDER. FOLLOWING THE AUTOMATIC SUSPENSION, THE BOARD SHALL NOTIFY MR. SOWERS VIA CERTIFIED MAIL OF THE SPECIFIC NATURE OF THE CHARGES AND AUTOMATIC SUSPENSION OF HIS LICENSE. UPON RECEIPT OF THIS NOTICE, MR. SOWERS 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. SOWERS HAS COMPLIED WITH ALL ASPECTS OF THIS ORDER; AND (2) THE BOARD DETERMINES THAT MR. SOWERS IS ABLE TO PRACTICE ACCORDING TO ACCEPTABLE AND PREVAILING STANDARDS OF SAFE NURSING CARE WITHOUT BOARD MONITORING, BASED UPON AN INTERVIEW WITH MR. SOWERS AND REVIEW OF THE REPORTS AS REQUIRED HEREIN. ANY PERIOD DURING WHICH MR. SOWERS 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 TERRY SOWERS TO SURRENDER HIS REGISTERED NURSE LICENSE #R.N. 208095 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 20TH DAY OF JULY 2007. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ELIZABETH BUSCHMANN OPPOSED. ANNE BARNETT WAS ABSENT.

A complete copy of the Adjudication Order shall be maintained in the exhibit book for the July 2007 Board meeting.

VOLUNTARY RETIREMENT

IT WAS MOVED BY ELIZABETH BUSCHMANN, SECONDED BY PATRICIA BURNS, THAT THE BOARD ACCEPT THE PERMANENT VOLUNTARY RETIREMENT FROM THE PRACTICE OF NURSING FOR THE FOLLOWING: CHRISTIAN, CHARLIE, R., R.N. 198736 (CASE #03-0850); NORMAN, CAROLYN, P.N. 070601 (CASE #07-0372); AND MAYWEATHER, MARY, L., P.N. 039365 (CASE #06-2982). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. DEBRA BROADNAX ABSTAINED. ANNE BARNETT WAS ABSENT.

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE BOARD TEMPORARILY SUSPEND THE LICENSE(S) AND ISSUE A

NOTICE OF OPPORTUNITY FOR HEARING FOR VIOLATIONS OF CHAPTER 4723 FOR THE FOLLOWING: DININGER, JENNIFER, A., R.N. 239696 (CASE #07-2092). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. DEBRA BROADNAX ABSTAINED. ANNE BARNETT WAS ABSENT.

MONITORING

LIFTS OF SUSPENSION/PROBATIONS

IT WAS MOVED BY LISA KLENKE, SECONDED BY PATRICIA BURNS, THAT THE FOLLOWING, HAVING MET THE TERMS AND CONDITIONS OF THEIR CONSENT AGREEMENTS WITH THE BOARD, WITH THE RECOMMENDATION BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS, BE RELEASED FROM THEIR CONSENT AGREEMENTS: ADJEL, ERNEST, P.N. 122452 (CASE #06-0518); WEBER, VIRGINIA, A., R.N. 258587 (CASE #05-3478); SZYMANSKI, ROBERT, M., R.N. 174765 (CASE #02-0258); CAHAL, KAREN, J., R.N. 219535 (CASE #04-0250); LEO, DANA, R., R.N. 279881 (CASE #05-3530); HILL, SHAWN, A., R.N. 324805 (CASE #06-0195); CRAMER, JODI, L., R.N. 237787 (CASE #05-2973); WAGERS, LEA, A., P.N. 086168 (CASE #06-1304); MORGAN, CHELSIE, N., R.N. 207582 (CASE #04-2975); JAROSZ, DANIELLE, M., P.N. 099363 (CASE #06-0189); CLAPP, LISA, S., R.N. 322811 (CASE #06-0266); LEAVER, THERESA, R., R.N. 130961 (CASE #03-0482); LOMBARDI, TONYA, L., R.N. 253120 (CASE #05-3129); BLACK, KIRSTIE, D., P.N. 123178 (CASE #06-1008); AND FISCHMANN, MARY, B., P.N. 122453 (CASE #06-0360). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ELIZABETH BUSCHMANN ABSTAINED ON THE FOLLOWING CASE(S): SZYMANSKI, ROBERT, M., R.N. 174765 (CASE #02-0258). DEBRA BROADNAX ABSTAINED ON ALL CASES. ANNE BARNETT WAS ABSENT.

LIFTS OF SUSPENSION/PROBATION - EARLY RELEASE

IT WAS MOVED BY KATHLEEN O'DELL, SECONDED BY JUDITH BRACHMAN, 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 DEBRA BROADNAX SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: REYNOLDS, DEBBIE, A., R.N. 208020 (CASE #05-1107); OLIVER-SPIVA, ANITA, M., P.N. 086563 (CASE #06-0132); BOONE, PATRICIA, J., R.N. 196607 (CASE #03-2220); DUVALL, CHERYL, A., R.N. 270526 (CASE #05-3483); HAWKINS, REBECCA, J., P.N. 120258 (CASE #05-1551); WRIGHT, NANCY, E., R.N. 259947 (CASE #05-2529); HAINES, ADAM, R., R.N. 322325 (CASE #05-2117); AND LONGO, MARYBETH, R.N. 194383 (CASE #03-0742). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. J. JANE MCFEE ABSTAINED ON THE FOLLOWING CASE(S): DUVALL, CHERYL, A., R.N. 270526 (CASE #05-3483). DEBRA BROADNAX ABSTAINED ON ALL CASES. ANNE BARNETT WAS ABSENT.

LIFTS OF SUSPENSION/PROBATION - ONLY PERMANENT WORK RESTRICTION(S) REMAINS

IT WAS MOVED BY LISA KLENKE, SECONDED BY PATRICIA BURNS, 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 PRACTICE RESTRICTION(S) THAT WILL REMAIN IN EFFECT. THESE RELEASES HAVE BEEN RECOMMENDED BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: RHOADS, DENISE, R., R.N. 330477 (CASE #06-2964); TAYLOR-MILLER, TWONIA, K., R.N. 324009 (CASE #06-0080); AND HARLAN, WYOMIA, C., P.N. 121880 (CASE #06-0027). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. DEBRA BROADNAX ABSTAINED ON ALL CASES. ANNE BARNETT WAS ABSENT.

LIFTS OF SUSPENSION/PROBATION - EARLY RELEASE - PERMANENT WORK RESTRICTION(S) REMAINS

IT WAS MOVED BY JANET L. BOECKMAN, SECONDED BY J. JANE MCFEE, 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, WITH THE EXCEPTION OF THE PERMANENT LICENSURE RESTRICTION(S) THAT WILL REMAIN IN EFFECT. THESE RELEASES HAVE BEEN RECOMMENDED BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: DELLINGER, JAMES, J., R.N. 308509 (CASE #04-2381); NORMAN, KRISTIN, L., P.N. 117732 (CASE #04-1686); AND WOOD, DAVID, R., R.N. 205123 (CASE #05-2635). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. DEBRA BROADNAX ABSTAINED ON ALL CASES. ANNE BARNETT WAS ABSENT.

LIFT OF NARCOTIC RESTRICTIONS

IT WAS MOVED BY PATRICIA BURNS, SECONDED BY LISA KLENKE, THAT THE FOLLOWING BE RELEASED FROM THEIR NARCOTIC RESTRICTIONS WITHIN THEIR RESPECTIVE CONSENT AGREEMENTS. THESE RELEASES HAVE BEEN RECOMMENDED BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: THIGPEN, TIMOTHY, T., P.N. 091340 (CASE #03-2116) AND GOMEZ, LISA, M., P.N. 088162 (CASE #03-2188). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. DEBRA BROADNAX ABSTAINED ON ALL CASES. ANNE BARNETT WAS ABSENT.

LIFT OF PRACTICE RESTRICTION

IT WAS MOVED BY JANET L. BOECKMAN, SECONDED BY J. JANE MCFEE, THAT THE FOLLOWING HAVING MET THE TERMS AND CONDITIONS OF THE CONSENT AGREEMENT WITH THE BOARD BE RELEASED FROM HER PRACTICE RESRICTION WITHIN HER RESPECTIVE CONSENT AGREEMENT.

THIS RELEASE HAS BEEN RECOMMENDED BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: BROWN, CHARMELE, P.N. 118177 (CASE #04-1387). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. DEBRA BROADNAX ABSTAINED. ANNE BARNETT WAS ABSENT.

LIFT OF SUSPENSION/PROBATION EARLY – PERMANENT WORK AND NARCOTIC RESTRICTIONS REMAIN

IT WAS MOVED BY J. JANE MCFEE, SECONDED BY JANET L. BOECKMAN, THAT THE FOLLOWING HAVING MET THE TERMS AND CONDITIONS OF THE CONSENT AGREEMENT WITH THE BOARD, BE RELEASED EARLY FROM THE TERMS AND CONDITIONS OF HER RESPECTIVE CONSENT AGREEMENT, (WITH THE EXCEPTION OF THE PERMANENT PRACTICE AND NARCOTIC RESTRICTION(S) THAT WILL REMAIN IN EFFECT. THIS RELEASE HAS BEEN RECOMMENDED BY DEBRA BROADNAX, SUPERVISING MEMBER FOR DISCIPLINARY MATTERS: DYE, JULIE, A., R.N. 209582 (CASE #04-0784) AND RICE, MICHELLE, R., R.N. 276645 (CASE #04-2687). MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. DEBRA BROADNAX ABSTAINED ON ALL CASES. ANNE BARNETT WAS ABSENT.

Other

Investigations by the Health Care Fraud Section of AG's office

The Board received a written memo submitted by L. Ferguson-Ramos informing the Board that the Abuse and Neglect Unit of the Health Care Fraud Section of the Attorney General's Office had recently contacted her to advise the Board that this unit is interested in coordinating drug diversion investigations in long-term care facilities with the Board. L. Ferguson-Ramos highlighted the attached letter from Ms. Haenszel detailing their proposal. Also enclosed was a DVD that was produced by the Vermont Medicaid Fraud Unit that is available for the Board's review. They are confident that pursuing administrative and criminal actions against nurses that divert patient drugs will send a strong message of deterrence. Following discussion, the Board agreed by general consensus that L. Ferguson-Ramos begin working with the Health Care Fraud Section of the Attorney General's Office. D. Broadnax, as Board Supervising Member will be involved.

Memorandum of Understanding for Funded Attorneys

B. Houchen announced to the Board that changes would be occurring related to the Board's AAG representation. AAG K. Bockbrader has been promoted in the AG's office and will be supervising all of the attorneys representing the Boards and Commissions. B. Houchen congratulated Ms. Bockbrader and thanked her stating she appreciated Ms. Bockbrader's work on behalf of the Board. B. Houchen distributed a letter to the Board from the AG's office regarding a Memorandum of Understanding for funded attorneys. The letter informed the Board of a 62% increase for the fiscal year beginning July 1, 2007. After receiving the letter, B. Houchen talked with a representative from the AG's office who told her they would not be charging the

16.66% maintenance fee. B. Houchen explained to the representative that the Board's budget was already established before receiving the letter and there were budget constraints. The letter indicated that the Board would fund K. Bockbrader to work full-time for the Board in addition to her new supervisory responsibilities. B. Houchen explained that in the past when the Board funded full-time attorneys who did Board work and other work, the Board did not have a good experience because the individual is "pulled in many different directions," due to having so many responsibilities. Although the AG's office offered that the Board could fund a portion of K. Bockbrader's salary, the concern remains the same. Ms. Houchen stated staff would inform the AG's office next week that the Board would fund one full-time attorney, Leah O'Carroll. An additional staff attorney will be hired to manage the backlog in consent agreements and the no requests for hearing cases. L. Ferguson-Ramos stated that she reviewed the backlog of no requests for hearing cases and found there are over one hundred cases and some are over a year old. At the last Board meeting, Board members, upon review of the compliance statistics, discussed concerns about short staffing, and an additional attorney will address those concerns also.

The Board asked about funding AAGs. Ms. Houchen explained it is unique for boards and agencies to fund AAGs. The AG's Office, by law, is required to represent state boards and agencies, however, in the past the Board began funding AAGs to have the ability to select the AAG and insure that the AAG would be exclusively devoted to Board work. Board members expressed agreement with the plan to address the workload and thanked K. Bockbrader for her work over the years for the Board.

REPORTS TO THE BOARD

Board Committee Reports Ohio Center for Nursing

E. Buschmann, Chair of the Board Committee on the Ohio Center for Nursing, reported on the July 20, 2007 meeting. E. Buschmann commended B. Houchen and E. Mays for their work on development of the web site for the Center for Nursing. They have learned that OGT is not available to assist them with the web site; therefore, E. Mays is asking DAS to be a host for the web site. E. Mays distributed an example of how the web site would look.

The group reviewed a sample of the workforce survey using Survey Monkey®. The Committee reviewed revisions. Information will be provided in *Momentum* regarding the survey. E. Buschmann asked for the Board's approval to send out post cards as a follow up reminder to complete the survey, depending on the availability of the Special Issues Fund.

E. Buschmann thanked the Board for allowing her to attend the National Forum Conference. She reported that other states are also experiencing issues with faculty shortages and clinical sites and highlighted different approaches taken by workforce

centers in other states. This committee will meet again at noon on Friday, September 28, 2007.

Board Committee - Practice

L. Klenke, Chair of the Board Committee on Practice, reported on the meeting held Thursday, July 19, 2007. She stated that the June 30, 2007 draft Interpretative Guideline (IG) was distributed and reviewed. The Board members received two written memos with additional materials and written comments in response to the draft. The final draft of July 19, 2007 was distributed to the Board with a few revisions and L. Klenke reviewed the changes. L. Klenke reported that a conference call was held with representatives of the Ohio State Association of Nurse Anesthetists to discuss their concerns about registered nurses administering anesthetic agents for moderate sedation and the potential that the patient could go into deep sedation. The Board Committee agreed that it is clear that the intent of this IG is for moderate sedation. Following review and discussion:

IT WAS MOVED BY LISA KLENKE, SECONDED BY JANET L. BOECKMAN, THAT THE BOARD ADOPT THE INTERPRETATIVE GUIDELINE FOR THE REGISTERED NURSE'S ROLE IN THE CARE OF PATIENTS RECEIVING INTRAVENOUS MODERATE SEDATION FOR MEDICAL AND/OR SURGICAL PROCEDURES, AS SUBMITTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

L. Klenke thanked the Board staff for their work in development of the document. J. Boeckman recognized L. Klenke for her leadership in chairing this committee.

Letter Regarding RN Administration Of Botox And Dermal Fillers

The Board received a request for its opinion about whether it is within the scope of registered nurse practice to administer Botox and dermal fillers as ordered by an authorized provider. Presently an advanced practice nurse with a certificate to prescribe may order Botox for a patient only for a specific pathologic condition (not for cosmetic purposes) and only after the collaborating physician has initiated the order for Botox.

L. Klenke and A. Rettig presented the information and answered questions of the Board for clarification. The Board began a discussion about what other states allow, judgment required for administration, medication dosage, risks for consumers, and the demand. H. Fischer commented that the Board may need to determine if injection of Botox for non-medical purposes is "nursing care." The Board asked staff to gather more information, analyze the law/rules, and look at other states that allows this procedure. The Board stated they would discuss the additional information requested and then determine whether to form a Committee on Practice to review the question.

The Practice Committee will not meet in September. Board staff is currently waiting on an opinion from the Medical Board regarding the Interpretation of PICC Line Verification.

Advisory Group Reports

Nursing Education

K. Driscoll reported on the Advisory Group on Nursing Education meeting held in June 2007. The Advisory Group received an update on the May Board meeting, legislation, NEGP, and the medication aide pilot program. The group reviewed and suggested changes to Chapter 4723-5, the nursing education rules. They discussed the budget bill amendment for the licensure exemption for nursing students enrolled in out-of-state programs.

Also, the Advisory Group discussed "service learning" in nursing education programs. J. Boeckman asked if service learning is nursing observation, and K. Driscoll responded that it is not observation.

Service learning is often a required by colleges as part of their general education requirements which may not be considered nursing practice, e.g., talking to a client in a homeless shelter. However, if it is part of a nursing course, does this situation become therapeutic communication and the practice of nursing? Nursing practice by a student requires supervision. It was discussed whether to define service learning in the rules. Following discussion, the Board asked that the Advisory Group on Nursing Education explore the topic of service learning further.

Advisory Group on Dialysis

D. Broadnax highlighted the topics discussed by the Advisory Group on Dialysis held in June 2007. The Advisory Group discussed the dialysis registry. L. Halliburton will provide additional information about the registry, but the registry may not be necessary if there are changes to the dating of the temporary certificate one. The Advisory Group also discussed the dating of the temporary certificate one and endorsement. The question raised about endorsement is whether or not individuals from states that do not regulate dialysis technicians and therefore have not completed a jurisdiction approved training program but who pass a national dialysis technician test, should be permitted to endorse into Ohio. Another question is should they be required to complete continuing education on Ohio law and rules related to the practice of dialysis in Ohio. D. Broadnax stated she believes it is important for dialysis technicians to know the Ohio law and rules because requirements vary greatly from state to state. H. Fischer commented that should the Board decide to move in this direction, to think about including in the law the requirement that dialysis technicians must have passed a national certifying examination after completing one year of employment. Later in the meeting, H. Fischer stated that upon further review of the rules they found that OAC rule 4723-23-10, revised in 2006, specifies that to be an Ohio-approved

dialysis testing organization, the organization must require the student to have twelve months of experience in dialysis care prior to being allowed to sit for the examination.

The Board agreed by general consensus that an individual who has twelve months experience in dialysis care, and passed an approved national certification exam, may endorse as a dialysis technician into Ohio from a non-regulating state. The endorsing dialysis technician would be required to complete two hours of continuing education on the Ohio law and rules related to dialysis care.

Advisory Group on Continuing Education (CE) Approvers

L. Klenke reported that the group met in June and reviewed the proposed changes to Chapter 4723-14 as reviewed earlier in the meeting.

Open Forum – 10:00 a.m. Friday, July 20, 2007

1. Carol Westermeyer, RN, BSN, Nursing Director, representing the Bureau of Nursing, Cincinnati Health Department, and Noble Maseru, PhD. MPH, Health Commissioner, addressed the Board to request the Board's support for a proposal to strengthen the Cincinnati Health Department's School Health Program Prevention Services. Ms. Westermeyer distributed information.

Following discussion, the Board thanked Ms. Westermeyer and Dr. Masru and the other representatives who accompanied them to the meeting. The Board members stated they were impressed with the project and supportive of their efforts to expand preventive health services and provide primary care access for students. The Board wished them much success with the project and told the speakers the Board would like to hear the results.

2. Jennifer Davis, President, National Student Nurses' Association, addressed the Board regarding a Resolution that she authored for the National Student Nurses' Association titled, "In Support of Clinical Education Standards for Distance Learners."

Following discussion, the Board commended Ms. Davis' initiative and invited her to attend the Board's Advisory Group on Nursing Education to present information regarding the Resolution. The Board applauded her efforts and wished her success in her future-nursing career.

Other Reports

NEALP Update Report

S. Thacker provided a summary of the NEALP update that was provided at the May Board meeting. S. Thacker reported that he also talked with the Ohio Board of Regents NEALP administrator who provided additional information. Last year nine

nurse educator applications were received and they awarded two loans. This year they received twenty-one applications. They are also starting to work on proposed rule revisions for NEALP will be changing from two application periods to a one application period next year.

Pandemic Flu Planning Report

L. Emrich and A. Rettig highlighted the activities pertaining to Ohio's response to potential pandemic influenza and Board staff attendance at conferences related to disaster response. In response to a declaration of emergency for a pandemic influenza outbreak, nursing students who are being supervised within the auspices of approved nursing education programs would be a valuable supplement to clinical facilities and the Board is asked to consider altering the faculty to student ratio within clinical sites for efficient utilization of nursing students.

The Board discussed altering the ratio during a pandemic influenza emergency and agreed by general consensus to change the faculty to student ratio during a declared pandemic flu emergency for efficient utilization of nursing students.

School Nursing Decision Making Model

The Board received a copy of the School Nurse's Scope of Practice Decision Making Model, submitted by L. Emrich and A. Rettig. A. Rettig and H. Fischer answered questions. K. O'Dell stated she believed the document will be helpful to school nurses.

Report on the Implementation of TERCAP

L. Emrich highlighted a written report on the implementation of TERCAP submitted by L. Emrich and L. Ramos. The Board will begin submitting cases on the NCSBN database. Board staff raised concerns as to whether the Health Insurance Portability and Accountability Act (HIPAA) apply to the transmittal of TERCAP data by boards to NCSBN. NCSBN consulted its General Counsel for an opinion on behalf of the TERCAP Committee and the opinion satisfied the concerns that were raised. Board investigators will begin utilizing TERCAP initially on selected cases. L. Emrich reported that the NCSBN TERCAP Committee discussed "Just Culture" because this movement could impact how nurses' employers investigate and gather data regarding systems issues involved in practice errors. L. Emrich is planning to attend a conference on "Just Culture" in October.

Report on Medication Aide Pilot Program

An amendment to the budget bill extended the Medication Aide Pilot Program. There is no definite date specified for the Pilot Program to end, it depends on the certification date of the seventy-fifth medication aide. Once the seventy-fifth medication aide is certified, the "clock" begins. The Board will calculate the ending date of the Pilot, based on the timeline, and the end date will be posted on the web site to provide notification as to when all facilities across the state may begin using medication aides. Throughout the Pilot Program, the Board may continue to receive applications from facilities

seeking approval to participate in the Pilot. The applicants will be required to submit one year of survey reports, rather than two years. Effective immediately, when the Board denies an application, the Board shall notify the leadership of the General Assembly of the denial and the reasons for the denial. Board staff worked with currently certified medication aides to extend their Pilot Program certification, effective July 1, 2007.

Report on Ohio Department of Jobs Family Services (ODJFS) Proposal for Consumer Directed Care

The Board received a report on the ODJFS proposal for consumer directed care as part of the Medicaid Waiver Program. It would allow consumers to be reimbursed for unlicensed caregivers providing health maintenance activities. B. Houchen reported that L. Emrich and H. Fischer have been attending meetings and staff had a conference call with representatives from ODJFS the day before the Board meeting. B. Houchen reviewed two options that were discussed with ODJFS and that ODJFS asked that staff present these to the Board. One option is that ODJFS would seek statutory authority to devise the options they are seeking that would be specific to Medicaid Waiver participants. This could be similar to what the Ohio Department of MR/DD (MR/DD) has done for within its programs. The other option is to amend 4723-13-02, OAC specifically assistance with self-administration. ODJFS provided information regarding their discussions on how to amend the rules. In addition, ODJFS submitted proposed language to amend the Board's rule that would allow a parent to direct unlicensed caregivers to administer medicines to minors when the parent is not in the home. L. Emrich and H. Fischer answered questions of the Board for clarification. The Board's regulations generally prohibit medication administration by unlicensed persons, beyond assistance with self-administration, and this is why ODJFS requested the Board to amend its rules. The Board expressed concern that by changing its rules the new language would be applicable to all types of practice settings and not be limited to only the Medicaid Waiver consumers. H. Fischer added that HB 200, which is sponsored by Representative Boyd, would require a certain level of training for the home care worker or attendant.

The Board discussed that an ODJFS statutory change would be a better way to address consumer directed care for the ODJFS-administered Medicaid Waiver programs and consumers. B. Houchen added that Staff also attended a Nurse's Summit meeting this week where a MR/DD representative reviewed their regulations for delegation of medication showing it is a structured system with training, certification, and levels of certification for unlicensed personnel. The MR/DD Medicaid Waiver includes consumer directed care and includes some situations where no nursing delegation is required.

The Board then reviewed the ODJFS proposed language to amend the Board's rules. C. Krueger summarized the discussion and directed staff to inform ODJFS that the

Board does not intend to amend 4723-13-02, OAC and recommends they seek statutory authority to address consumer directed care.

GENERAL INFORMATION (FYI)

President Krueger identified the general information items and asked if there are questions. T. Williams thanked the Board members and staff for the letter to the Governor. There were no questions.

BOARD GOVERNANCE

Scheduled Review of Board Policies

B. Houchen stated that staff has started working on policies to establish a review schedule, however, it would be more productive to review all of the policies and guidelines and present them at the November Board meeting for review. Some of the Board manual reference materials are outdated and will also be reviewed. The Board agreed by general consensus to review the policies in November.

Designation of Hotel for 2008

C. Krueger requested feedback from the Board members in terms of selection of a hotel for 2008. J. Boeckman requested that staff try to find a hotel that provides room service for Board members who arrive late on Wednesday night. J. McFee likes the Hyatt for parking convenience. L. Klenke stated for A. Barnett, in her absence, to consider the DoubleTree again. The Board members liked the Hyatt Hotel and the Drury Hotel and requested that staff research other hotels in the downtown area that accept the state rate or as close to the state rate as possible for the Board's consideration.

Memo About Board Policy for Attendance

President Krueger stated that there is discrepancy between the statute and the Board policy on attendance at Board meetings and staff is requesting Board direction to draft the revised policy. H. Fischer highlighted the attached analysis, which she had prepared on meeting attendance requirements under ORC Section 3.17, ORC. The statute states based upon 14 meetings in a two-year time period, each member must attend at least 3/5 of the meetings. In March 2001 the Board adopted the Governance Guideline regarding attendance that requires members to attend 59% of all meetings in one year, calculated from January to December. This could be more stringent based on a one-year period rather than a two-year period. H. Fischer suggested that the Board adopt in policy the more liberal state standard because of the seriousness involved in statutory forfeiture of the position. The Board agreed.

In addition, the Board Guidelines currently state that attendance at fifty percent (50%) of a two-day meeting will satisfy the meeting requirement for that meeting. The AG's office believes that this policy would be acceptable and that the Board could continue with this policy. Following discussion, the Board agreed that since the first day of a two-day meeting could last much longer than the second day. Attending day two would not be equal to 50% of a meeting. A recommendation was made that if a member misses one

day of a two-day meeting it would be considered that they missed half of a meeting. The Board asked the staff to revise the policy for the Board's review in November.

Appointment to Nursing Education Study Committee

The Board received a written memo submitted by B. Houchen regarding appointment of a Board member to the Nursing Education Study Committee. The language of the budget bill was attached describing the members to be appointed and the work of the Committee. Following discussion;

IT WAS MOVED BY DEBRA BROADNAX, SECONDED BY J. JANE MCFEE, THAT THE BOARD APPOINT JANET L. BOECKMAN TO THE NURSING EDUCATION STUDY COMMITTEE. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

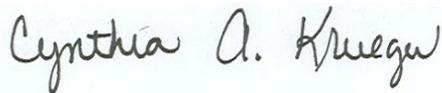
Evaluation of Meeting/Recommendations For Next Meeting

There were no additional comments or recommendations made.

ADJOURNMENT

The meeting was adjourned at 5:30 p.m. on July 20, 2007.

Cynthia Krueger, RN, MSN
President



Attest:

Betsy Houchen, RN, MS, JD
Secretary

