

Consumer Protection Committee Agenda

DATE: Thursday, September 13, 2020
TIME: 11:00 AM, ET
LOCATION: Via ZOOM
Kentucky Board of Nursing Office, Louisville, KY

To: Consumer Protection Committee:

Chair: David Dickerson, Citizen-at-Large
Michele Dickens RN
Kristi Hilbert, RN
Audria Denker, RN
Dana Steffey, LPN
Christina Perkins, Citizen-at-Large

I. Call To Order

- A. Introductions
- B. Adoption of Flexible Agenda

II. New Business:

- A. Review Scope and Function of Consumer Protection Committee (attachment #1)
- B. Guidelines for Disciplinary Action, Consent Decrees and Notice of Intentions (attachment #2)
- C. Audit Agreed Orders, Consent Decrees and Notice of Intentions (attachment #3)
- D. Review template term for length of suspension if the Agreed Order is violated (Attachment # 4).
- E. Review Agreed Order terms related to APRN's (attachment #5)
- F. *Discussion Topics:*
 - 1. *Is it reasonable to have some kind of supervision of an APRN that is being monitored*
 - 2. *Does it matter what the violation is*
 - 3. *Does the severity of the violation matter*
 - 4. *Would it be acceptable for staff to determine which terms would be left in the Agreed Order.*
- G. *Future discussions – LCPM*

III. Adjournment

Next Meeting: November 19, 2020

Prepared by: Martha Boulineau, Patricia Smith
Reviewed by: David Dickerson

KENTUCKY BOARD OF NURSING

CONSUMER PROTECTION COMMITTEE SCOPE AND FUNCTIONS

PURPOSE

The purpose of the Consumer Protection Committee is to consider those matters relating to Public Protection. This includes the Investigation Branch, Compliance Branch and Legal Services.

FUNCTIONS

1. Reviews and revises guidelines for matters relating to public protection processes.
2. Assists in the review, revision or initiation of Statutory and/or Administrative Regulations related to public protection.
3. Serves as resource to the Board and staff members in matters relating to monitoring and disciplinary action processes.
4. Reviews reports on final disposition of select cases and other matters relating to the monitoring and disciplinary action processes.
5. Reviews and monitors randomly selected Agreed Orders, Consent Decrees and Suspension/Denial of Reinstatement Notices.
6. Submits recommendations to the Board on matters related to the above functions.

MEMBERSHIP

1. Two citizen-at-large board members.
2. One LPN Board member nominated by LPNO.
3. One member of the Education Committee.
4. One member of the Practice Committee.

MEETING TIMES

The Committee shall meet at least two (2) times per year, but no more than five (5) times.

STAFF

Compliance Branch Manager serves as staff to the Committee with other staff assisting as needed.

Adopted: 6/99

Revised: 11/97; 9/98; 6/99; 2/00; 3/01; 9/02; 2/04; 2/05; 12/05; 11/07; 10/2008; 12/10; 10/14; 6/16; 11/16; 11/17

**KENTUCKY BOARD OF NURSING
GUIDELINES FOR DISCIPLINARY ACTIONS
FOR LICENSED NURSES AND/OR APPLICANTS**

PURPOSE: These guidelines apply to individuals in violation of the Kentucky Nursing Laws, and are intended to promote consistency in the imposition of disciplinary action taken by the Board.

The circumstances of each case must be considered individually and the guidelines may not be applicable. The action recommended may vary dependent upon findings of Board staff or Hearing Panels.

In the case of an immediate threat to the public, an Immediate Temporary Suspension may be indicated. Civil Penalties are based on the Action not the number of Violations of the law and may be assessed up to \$10,000.00.

<u>VIOLATION</u>	<u>ACTION</u>	<u>CIVIL PENALTY</u>
KRS 314.091(1)(a): Guilty of Fraud or Deceit in Attempting to Procure a License	If Applicant Deny Licensure or Deny Reinstatement for Minimum of 1 Year – New Application(s) Required	\$600 Per Year
KRS 314.091(1)(b): Misdemeanors/Felonies Reported Conviction(s)	If All Court Requirements Met Board Member or Staff Review	No Fine
	All Court Requirements Not Met Probate License Until Court Requirement(s) Met	\$600 Per Year
KRS 314.091(1)(c): Sexual Misconduct Involving a Misdemeanor/Felony or a Patient Under Nursing Care	If Applicant, Deny Licensure or Deny Reinstatement	Up to \$10,000
	If Licensee, Suspend or Revoke Up To 10 Years, Until Requirement(s) Met-Hearing Required to Consider Reinstatement	Up to \$10,000 (KRS 314.091 (7) May Require Nurse to Pay Specified Amount for Mental Health Services for the Patient, if Needed)
KRS 314.091(1)(d): Acting in a Manner Inconsistent with Nursing Practice	(Depending upon the Circumstances)	
KRS 314.091: Practice	Consent Decree Refer to CPB – 2A	\$250
KRS 314.091(1)(e): Unfit or Incompetent to Practice Nursing	Suspension or Voluntary Surrender	\$600 Per Year
	Stayed Suspension-Limitation/Probation	\$600 Per Year
KRS 314.091(1)(f): Abuses Use of Controlled Substances, Prescription Medications, Illegal Substances, or Alcohol	Suspend Until Requirements Met	\$600 Per Year
	Stayed Suspension-Limitation/Probation	\$600 Per Year
KRS 314.091(1)(g): Misused or Misappropriated Drugs Placed in Custody for Administration, or For the Use of Others	Suspend Until Requirements Met	\$600 Per Year
	Stayed Suspension-Limitation/Probation	\$600 Per Year
KRS 314.091(1)(h): Falsified or Made Incorrect Entries, or Failed to Make Essential Entries	Reprimand	\$500-\$1,000
	Limitation/Probation	\$600 Per Year
	Stayed Suspension	\$600 Per Year
	Suspension to be Followed by Limitation/Probation	\$600 Per Year

<u>VIOLATION</u>	<u>ACTION</u>	<u>CIVIL PENALTY</u>
KRS 314.091(1)(i): License to Practice Nursing Denied, Limited in Another Jurisdiction, or Otherwise Disciplined to Cause a License to be Denied in this Commonwealth	Board Member/CRP Review- Usually No Action If Action, Usually a Reprimand Take Action Concurrent with Other State(s) If Applicant Deny Licensure or Deny Reinstatement New Application(s) Required	No Fine \$500-\$1,000 Civil Penalty To be Determined \$600 Per Year
KRS 314.091(1)(k): Violation of any Board Order, Or Directive (<i>including Consent Decrees</i>)	Suspend or Voluntarily Surrender Until Requirements Met If Suspension Stayed-Impose Suspension	Imposition of Civil Penalty \$600 Civil Penalty Dependant on Violation Plus Payment of Previous Ordered Civil Penalty
KRS 314.091(1)(l): Violation of any Regulation Promulgated by the Board	If Suspension Stayed-Impose Suspension Voluntary Surrender	\$600 Civil Penalty- Imposed upon Suspension Or Voluntary Surrender
KRS 314.091(1)(m): Listed on the Nurse Aide Abuse Registry	(Depending upon the Circumstances)	
KRS 314.091 (1)(n): Violation of Confidentiality of Information or Knowledge Concerning any Patient, Except as Authorized or Required by Law	Reprimand Limitation/Probation	\$500-\$1,000.00 \$600.00 Per Year
KRS 314.071(041 or 051): Employed Without License A. Non Willful B. Willful	Consent Decree If Applicant Deny Licensure, Deny Reinstatement or Issue a Reprimand	\$500/1 st Month or any Part thereof, and \$100 per Month or any Part thereof for Additional Months. (\$10,000 Maximum) \$500-\$1,000 for Reprimand \$500/1 st Month or any Part thereof, and \$100 per Month or any Part thereof for Additional Months. (\$10,000 Maximum)
KRS 314.073: Failed to Earn CE Requirements A. Non-Willful B. Willful	Consent Decree Reprimand	\$100 1-5 Hours \$150 6-10 Hours \$200 11-14 Hours \$500-\$1,000 Plus Fine for CE Deficiency
Repeat Violator of 314.091:	Suspend until Requirements Met Suspend-if Reinstates and violates, Will be Revoked	Up to \$1,000.00 \$1,000.00

VIOLATION	ACTION	CIVIL PENALTY
Positive Urine Drug Screen: 1 st Positive Urine Drug Screen For Non-Prescribed Or Illicit Drug With Negative Chemical Dependency Evaluation 2 nd Positive Urine Drug Screen For Non-Prescribed Or Illicit Drug With Negative Chemical Dependency Evaluation Positive Urine Drug Screen For Non-Prescribed Or Illicit Drug, Medication Discrepancies with a Negative Chemical Dependency Evaluation	Consent Decree Reprimand Reprimand	\$250 Plus 30 Hours Of Continuing Education within 6 months \$500-\$1,000 Plus Evidence of 30 Hours Of Continuing Education Contact Hours within 6 months and Random Urine Drug Screen for 1 year \$500-\$1,000 Plus Evidence of 30 Hours Of Continuing Education Contact Hours within 6 months and Random Urine Drug Screen for 1 year
KRS 314.109: Reporting of Criminal Conviction(s) Non-Willfull Reporting action on any professional license KRS 314.108: Non-Willfull	Consent Decree Consent Decree	\$250 \$250
201 KAR 20:370 Truthful and Complete Application: Non-Willfull	Consent Decree	\$250

Adopted: 4/98; Updated 4/00; 6/02; 10/02; 02/04; 6/05;12/05; 12/06; 04/09; 12/10; 10/12;
 Revised: 12/10; 10/14; 11/16

KENTUCKY BOARD OF NURSING

GUIDELINES FOR CONSENT DECREES

AUTHORITY

KRS 314.091; KRS 314.108; KRS 314.109; 201 KAR 20:161; and 201 KAR 20:470 (Investigation and disposition of complaints).

- Consent decrees are issued only to those applicants or nurses who have violated KRS 314.031(1), 314.041(1), 314.042(1) or (5), 314.051(1), 314.071(1), 314.073(1), or 314.091(l), 314.108, 314.109 and who have not violated any other provision of KRS Chapter 314 or any other law of the Commonwealth of Kentucky or of the United States.
- A consent decree may be issued to a dialysis technician who has been employed as a dialysis technician without a valid credential issued by the Kentucky Board of Nursing. Such individual would be in violation of KRS 314.035(1), and 201KAR 20:470, §6(2)(i). A consent decree may be issued for this violation if the dialysis technician has not violated any other provision of KRS Chapter 314, 201KAR 20:470, or any other laws of the Commonwealth of Kentucky or of the United States.
- A letter of explanation submitted by the applicant or licensee or credential holder is necessary before a consent decree can be offered.

CONSENT DECREES MAY BE ISSUED FOR THE FOLLOWING:

1. Applicants, licensees, or credential holders who have an occurrence of substandard nursing care as defined by KAR 20:161 (2)(5)(a)(8).
2. Applicant, licensee or credential holder has engaged in the practice of nursing, as defined in KRS 314.011(5), (7), and (9), without the required temporary work permit or license as required.
3. Applicant, licensee or credential holder has failed to meet continued competency requirements, failed to meet initial AIDS education requirements, practiced as a nurse pursuant to a temporary work permit or license obtained on the basis of an application fee (other than a renewal application) returned unpaid or practiced as an advanced practice registered nurse after the license has been voided because their national certification has expired or has not been provided to the Board.
4. Applicant, licensee or credential holder has a positive drug screen for a non-prescribed drug or illicit substance, including a copy of the drug screen results and chain of custody form, and a chemical dependency evaluation that does not indicate a diagnosis of substance use disorder.
5. Applicant, licensee or credential holder that failed to report criminal conviction(s) or disciplinary action from any licensing or regulatory authority and the Board is in receipt of certified records.

PROCESSING OF A CONSENT DECREE

1. If the applicant, licensee or credential holder does not wish to sign the consent decree acknowledging the violation and consent to the civil penalty, disciplinary action will commence.
2. If a consent decree is offered to an applicant for licensure or credential the payment of the civil penalty must be received prior to issuance of the license or credential.
3. If a consent decree is entered pursuant to a positive drug screen result, the applicant, licensee, or credential holder must submit payment of the civil penalty and provide verification of completion of the continuing education hours within six (6) months of ratification of the consent decree.
4. If a consent decree is entered for failure to meet continued competency requirements licensee must submit payment of the civil penalty within the time period designated by Board staff. The continued competency requirements must be met before the issuance of the consent decree.
5. If a consent decree is entered for failure to report a criminal conviction or disciplinary action against any professional license or credential in Kentucky or in another jurisdiction the applicant, licensee, or credential holder must submit payment of the civil penalty within the time period designated by the Board.
6. Any applicant, licensee, or credential holder who has entered into a consent decree may not be eligible for a subsequent consent decree that involves the same violation(s). The applicant, licensee, or credential holder may be eligible for an Agreed Order to resolve any subsequent violation(s).

IMPOSITION OF CIVIL PENALTY

See Guidelines for Disciplinary Action CPB-4

Reference: Guidelines for Disciplinary Action CPB-4, Guidelines for Issuance of a Consent Decree for Practice Cases CPB-2A

Adopted: 3/85

Revised: 12/88; 10/92; 6/94; 10/94; 06/00; 10/02; 02/04, 12/05; 12/06; 04/09; 12/10; 10/12; 10/14

KENTUCKY BOARD OF NURSING

GUIDELINES FOR NOTICE OF INTENT TO SUSPEND OR DENY REINSTATEMENT/LICENSURE/CREDENTIAL

PURPOSE: To establish guidelines for the Kentucky Board of Nursing to use when considering suspension or denial of reinstatement/licensure/credential for violation of a Consent Decree, Board Order or Kentucky Alternative Recovery Effort (KARE) agreement. These guidelines may also be used for denial of an application for reinstatement/licensure/credential.

Statutory and Regulatory Authority

KRS 314.091(1) provides:

(1) The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:

201 KAR 20:450(5) provides:

A participant may be terminated from the program for the following causes:

- (1) Noncompliance with any aspect of the program agreement; or
- (2) Being unable to practice according to acceptable and prevailing standards of safe nursing care.

Procedural Tracks for Notice of Intent to Suspend or Deny Reinstatement/Licensure/Credential

Track One

1. Staff will provide a summary of the violation(s) to the Manager of the Compliance/Investigation Branch.
2. The file and a proposed Notice of Intent, to Suspend or Deny Reinstatement/Licensure/Credential will be forwarded to legal services for review.
3. If it is determined that a violation has occurred the nurse will receive written Notice of Intent to Suspend or Deny Licensure/Reinstatement/Credential signed by the Executive Director. This notice will advise the nurse of his or her right to request an administrative hearing.
4. If the nurse requests a hearing, the file will be forwarded to legal services.
5. A reasonable time after mailing of the Notice of Intent to Suspend or Deny Reinstatement/Licensure/Credential, if no written request for hearing has been received, a final suspension/denial letter shall be issued by the Executive Director.

OR, if Credentials Review Panel/Board Member Review is necessary:

Track Two

1. Staff will provide a summary of the violation(s) and/or supporting documentation to the Credentials Review Panel/Board Member Review for direction.
2. If the Credentials Review Panel/Board Member Review recommends that the application for licensure be denied, the file will be returned to the Branch Manager and Track One will be followed.

3. If the Credentials Review Panel/Board Member Review directs that there are guidelines/conditions/terms for the applicant/nurse to meet prior to obtaining reinstatement/licensure/credential, the file will be referred to legal services.
4. If a Notice of Charges is mailed to the nurse's address of record, the case will proceed with the normal hearing process. At the hearing, Board staff will request that the Board impose the guidelines/conditions/terms requested by the Credentials Review Panel/Board Member Review.

Adopted: 04-14

REV: 11/16, 4/18

**KENTUCKY BOARD OF NURSING
CONSUMER PROTECTION COMMITTEE
AGREED ORDER AUDIT (APRIL 1, 2019 - June 31, 2019)**

NAME	LICENSE	INV
Lorri A. Livers Houck	RN License 1054311 APRN License 3006993	Lisa Dunsmore
Penny Lowe Eaton	LPN License 2045427	Pamela Chrissy Blazer
Carrie Lee Blair Valentine	LPN License 2041946	Bonnie Fenwick
Danny Wayne Waddell	RN License 1099583 APRN License 3005716	Lisa Dunsmore
Shari Lynne Arduino	LPN License 2041390	Lisa Dunsmore
Heather Marie Fischer-Bryant	RN License 1148748	Bonnie Fenwick
Krista Davis	RN License 1146696	Denise Vititoe
Teresa R. Layne Moore	RN License 1068139	Denise Vititoe
Kim Brewer Cox	RN License 1057798; APRN License 3003257	Pamela Chrissy Blazer
Misty Nicole Birdsong	LPN License 2050159	Susan Lawson
Mark Jeffrey Adkins	RN License 1118455; APRN License 3005798	Pamela Chrissy Blazer

REC'D

KENTUCKY BOARD OF NURSING

MAR 27 2019

AGREED ORDER
CASE #'s 2018-1042, & 2018-1051

KBN

IN RE: LORRI A. LIVERS HOUCK

RN LICENSE # 1054311
APRN LICENSE # 3006993

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Lorri A. Livers Houck has violated KRS Chapter 314. Lorri A. Livers Houck, hereinafter referred to as Ms. Livers Houck, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Livers Houck agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

On March 9, 2018, a consumer complaint was received from a former patient of Ms. Livers Houck seeking to obtain her medical records and requesting Ms. Livers Houck complete a form related to a claim for disability benefits. On March 12, 2018, a review of Ms. Livers Houck's Kentucky All Scheduled Prescription Electronic Report (KASPER) data indicated Ms. Livers Houck authorized multiple controlled substance prescriptions for a supply in excess of her prescribing limits as an advanced practice registered nurse. Further, it was noted that Ms. Livers Houck failed to provide a copy of her Collaborative Agreement for Prescriptive Authority for Controlled Substances (CAPA-CS) agreement(s) to the Board as required. Ms. Livers Houck issued seven (7) unlawful refill prescriptions for controlled substances, including one (1) benzodiazepine and six (6) stimulants. Ms. Livers Houck acknowledged her errors and reported she has changed her practice accordingly. She also provided copies of her CAPA-CS agreements and documentation of resolution in regards to the consumer complaint.

The Board acknowledges receipt of the following: a letter of response to the Board initiated complaint, including copies of Ms. Livers Houck's CAPA-CS agreements on April 30, 2018; medical records for three (3) patients received on December 12, 2018; and a letter of response to the consumer complaint on June 15, 2019.

Ms. Livers Houck acknowledges these actions are in violation of KRS 314.091(1).

The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:...

* * *

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(d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

(h) has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records;

* * *

(j) has violated any of the provisions of this chapter [including KRS 314.011(8) and 314.021(2)]; [and]

* * *

(l) has violated any administrative regulation promulgated by the board [including 201 KAR20:059];

Ms. Livers Houck has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. Ms. Livers Houck understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. All terms of the Agreed Order will begin immediately upon entry of this Agreed Order.
3. A reprimand is issued by the Board, which expresses concern regarding the seriousness of her inappropriate prescribing practices.
4. She will pay a civil penalty of one thousand dollars (\$1000) to the Board within six (6) months of the effective date of this Agreed Order.
5. She will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220 on Advanced Practice Registered Nurse Prescribing within six (6) months of the effective date of this Agreed Order. The thirty (30) contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s)/privilege to practice/credential.
6. Until notified in writing by the Board that the requirements set forth in this Agreed Order have been satisfied, she will notify Board staff in writing within fifteen (15) days of any of the following occurrences: any pending disciplinary action related to any professional license or credential by any other jurisdiction; any pending investigation

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related to any professional license or credential by any other jurisdiction; admission into a monitoring program; any non-compliance issue related to monitoring related to any professional license or credential by any other jurisdiction; any criminal arrest; any misdemeanor or felony charge; entry into any pretrial diversion agreement; any criminal indictment; any guilty plea in a misdemeanor or felony case; or any misdemeanor or felony conviction.

7. Submission of fraudulent documents or reports, misrepresentation of facts relating to the conditions of this order, any violation of state or federal law that endangered any person or failure to comply with any requirement of this order will constitute violation of the order.
8. Ms. Livers Houck agrees and acknowledges that she may make a written request for voluntary surrender of the nursing license(s)/privilege to practice/credential during the period of time she is on monitoring, indicating that she is unable to comply with the terms and conditions of the Agreed Order. Any written request for voluntary surrender will subject Ms. Livers Houck to additional disciplinary action pursuant to the terms of this Agreed Order. The voluntary surrender will begin upon entry of the order and will continue until all requirements of this Agreed Order have been met. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/privilege to practice/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
9. Ms. Livers Houck agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/privilege to practice/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Ms. Livers Houck has violated this Agreed Order, notice of intent to suspend or deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Livers Houck in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing and will result in suspension or denial of reinstatement with notification by mail. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). The suspension or denial of reinstatement will begin on the date of the notification letter and will continue until all requirements of this Agreed Order have been met. Reinstatement of the nursing license(s)/privilege to practice/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
10. This Agreed Order, when signed by Ms. Livers Houck and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any

Agreed Order
Lorri A. Livers Houck
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other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow the standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.

- 11. She hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.
- 12. All provisions and conditions of this order shall carry over to any license(s)/privilege to practice/credential in Kentucky that she receives, including pursuant to any multistate nursing licensure compact with the Board.
- 13. Removal of the nursing license(s)/privilege to practice/credential from active discipline will depend on compliance with all terms and conditions stated in this order. If all terms and conditions met, and if she has not committed any act prior to completion of all requirements stated in this Agreed Order that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared.

Lorri A. Livers Houck
Lorri A. Livers Houck

Subscribed and Sworn to before me this 25th day of
March, 2019 by Lorri A. Livers Houck.

REC'D

MAR 27 2019

KBN

Notary Public *Erin Lockett*

State of *Kentucky*

My Commission expires *4/28/21*

SEAL



(BOARD SEAL)

Pamela C. Hagan
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

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Agreed to and entered by the Board on April 1, 2019.

REC'D

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KBN

KENTUCKY BOARD OF NURSING**AGREED ORDER
CASE #'s 2018-1272 & 2018-1679****IN RE: PENNY LOWE EATON****LPN LICENSE # 2045427
(EXPIRED 04/18/2018)**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Penny Lowe Eaton has violated KRS Chapter 314. Penny Lowe Eaton, hereinafter referred to as Ms. Eaton, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Eaton agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

Ms. Eaton submitted a reinstatement application on April 22, 2018, for her licensed practical nurse license after her license had been temporarily suspended for a bad debit transaction to the Board on April 18, 2018. She answered "Yes" to the question, "Do you have a current investigation pending on your nursing license, other professional license/certification or your privilege to practice in any state(s)/jurisdiction(s) other than the KBN?" Ms. Eaton acknowledged in her letter of explanation that she failed to submit her required continuing education competency hours to the West Virginia State Board of Examiners (WVSBOE) and was under investigation. Ms. Eaton entered a final Consent Agreement with the WVSBOE on August 9, 2018.

Ms. Eaton acknowledged in her letter of explanation dated December 16, 2018, that she failed to acquire the required fourteen (14) continuing education competency hours needed for her Kentucky licensure during the appropriate earning period of November 1, 2016 through October 31, 2017.

The Board acknowledges receipt of the following: a letter of explanation from Ms. Eaton on June 7, 2018 regarding her pending investigation with the WVSBOE; a copy of the disciplinary order for a Consent Agreement from the WVSBOE received on August 14, 2018 from Ms. Eaton; and a letter of explanation along with fifteen (15) continuing education competency hours entitled, "Leadership and Management Essentials for Nurses" from Ms. Eaton on December 16, 2018.

Ms. Eaton acknowledges these actions are in violation of KRS 314.091(1).

The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder,

**Agreed Order
Penny Lowe Eaton
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privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:

- * * *
- (a) is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing;
- * * *
- (d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;
- * * *
- (h) has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records; [and]
- * * *
- (j) has violated any of the provisions of this chapter.

Ms. Eaton has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. Ms. Eaton understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. All terms of the Agreed Order will begin immediately upon processing the application for licensure.
3. A reprimand is issued by the Board, which expresses concern regarding the seriousness of her actions in not earning her continuing education competency hours during the appropriate time frame.
4. She agrees to maintain current nursing license(s)/privilege to practice/credential in Kentucky or another jurisdiction while under the terms of this Order, and acknowledges that the inability to obtain a license in another jurisdiction may subject her to additional disciplinary action.
5. She will pay a civil penalty of five hundred dollars (\$500) to the Board by July 31, 2019.
6. She will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220 on Legal/Ethical Issues by July 31, 2019. The thirty (30) contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s)/privilege to practice/credential.

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Penny Lowe Eaton
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7. Until notified in writing by the Board that the requirements set forth in this Agreed Order have been satisfied, she will notify Board staff in writing within fifteen (15) days of any of the following occurrences: any disciplinary action related to any professional license or credential by any other jurisdiction; any pending investigation related to any professional license or credential by any other jurisdiction; admission into a monitoring program; any non-compliance issue related to monitoring conducted related to any professional license or credential by any other jurisdiction; any criminal arrest; any misdemeanor or felony charge; entry into any pretrial diversion agreement; any criminal indictment; any guilty plea in a misdemeanor or felony case; or any misdemeanor or felony conviction.
8. Submission of fraudulent documents or reports, misrepresentation of facts relating to the conditions of this Order, any violation of state or federal law that endangered any person or failure to comply with any requirement of this Order will constitute violation of the Order.
9. Ms. Eaton agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/privilege to practice/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Ms. Eaton has violated this Agreed Order, notice of intent to suspend or deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Eaton in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing and will result in suspension or denial of reinstatement with notification by mail. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). The suspension or denial of reinstatement will begin on the date of the notification letter and will continue for at least one (1) year and until all requirements of this Agreed Order have been met. Reinstatement of the nursing license(s)/privilege to practice/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this Order.
10. This Agreed Order, when signed by Ms. Eaton and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow the standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.

Agreed Order
Penny Lowe Eaton
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- 11. She hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.
- 12. All provisions and conditions of this Order shall carry over to any license or privilege to practice nursing in Kentucky that she receives, including pursuant to any multi-state nursing licensure compact with the Board
- 13. Removal of the nursing license(s)/privilege to practice/credential from active discipline will depend on compliance with all terms and conditions stated in this Order. If all terms and conditions met, and if she has not committed any act prior to completion of all requirements stated in this Agreed Order that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared.

Penny Lowe Eaton
Penny Lowe Eaton

Subscribed and Sworn to before me this 11th day of April, 2019 by Penny Lowe Eaton.

Notary Public Josh Blum
State of Kentucky
My Commission expires 1/22/2023

SEAL

(BOARD SEAL)

Pamela C. Hagan
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on
April 22, 2019.

90-05-19

**KENTUCKY BOARD OF NURSING
AGREED ORDER FOR VOLUNTARY SURRENDER
CASE # 2019-0900**

IN RE: CARRIE LEE BLAIR VALENTINE**LPN LICENSE # 2041946
(ITS 04/12/2019)**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that I have committed violations of KRS Chapter 314, including KRS 314.091(1)(d,f,g,h,j) and KRS 314.021(2). I admit to drug diversion while employed as a licensed practical nurse at Kenton County Detention Center, Independence, Kentucky. My nursing license was immediately temporarily suspended on April 4, 2019, in order to protect the public. I understand that I have the right of hearing and appeal as authorized by statute. This right includes the right to be present with counsel, the right to subpoena and confront witnesses, and the right to appeal the decision as entered by the Board. I knowingly waive these rights by entering into this Agreed Order with the Board.

By signing this Agreed Order, I voluntarily surrender my nursing license(s)/credential for a period of at least two (2) years and I relinquish all right, title and privilege of practicing as a nurse in the Commonwealth of Kentucky until my license is reinstated.

I understand I must make a written request for consideration for reinstatement of my nursing license(s)/credential after the period of voluntary surrender. I understand that I must complete the Board Guidelines for Requesting Reinstatement of a Voluntarily Surrendered License prior to making a written request. I understand that reinstatement will be pursuant to an Agreed Order or an Administrative Hearing. I also understand that I will be required to pay a civil penalty of one thousand, two hundred dollars (\$1,200), in addition to any other monies due the Board, prior to application for reinstatement of the nursing license(s)/credential.

It is further noted my conduct demonstrates a violation of KRS Chapter 218A. Prior to application for reinstatement, I will pay an additional civil penalty of five hundred dollars (\$500) to the Board in accordance with KRS 218A.290, for a total civil penalty payment of one thousand, seven hundred dollars (\$1,700).

This Agreed Order shall be effective and binding on me and the Kentucky Board of Nursing immediately when signed by both parties, and shall be considered public information that can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required.

I hereby release the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.

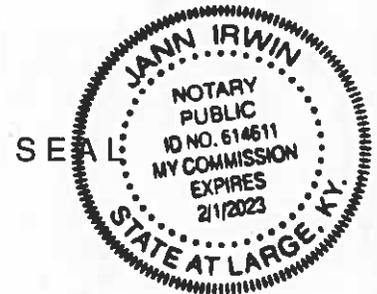
All provisions and conditions of this order shall carry over to any license(s)/credential in Kentucky that I receive, including pursuant to any multistate nursing licensure compact with the Board.

REC'D**MAY 10 2019****KBN**

Carrie Lee Blair Valentine
Carrie Lee Blair Valentine

Subscribed and Sworn to before me this 15th day of
May, 2019 by Carrie Lee Blair Valentine.

Notary Public Jann Irwin
State of Kentucky
My Commission expires 2/1/2023



(BOARD SEAL)

Pamela C. Hagan
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on
May 15, 2019.

REC'D

MAY 10 2019

KBN

93-05-19

KENTUCKY BOARD OF NURSING**AGREED ORDER
CASE # 2019-0188****IN RE: DANNY WAYNE WADDELL****RN LICENSE # 1099583
(ITS 10/17/2018)
APRN LICENSE # 3005716
(ITS 10/17/2018)**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Danny Wayne Waddell has violated KRS Chapter 314. Danny Wayne Waddell, hereinafter referred to as Mr. Waddell, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Mr. Waddell agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

On September 4, 2018, Board staff received a consumer complaint in which it was reported that Mr. Waddell was charged on March 15, 2018 in Rockcastle County, Kentucky, with the following pending charges:

- 
- ~~Operating Motor Vehicle Under the Influence of Alcohol/Drugs/Etc., 1st Offense (a Class B Misdemeanor);~~
 - ~~Resisting Arrest (a Class A Misdemeanor);~~
 - ~~Attempted Disarming of a Peace Officer (a Class B Misdemeanor);~~
 - ~~Menacing (a Class B Misdemeanor);~~
 - ~~Terroristic Threatening, 3rd Degree, one (1) count (a Class A Misdemeanor); and~~
 - **Criminal Mischief, 2nd Degree (a Class A Misdemeanor).**

In a letter of explanation received in the Board office on October 23, 2018, Mr. Waddell reported that after a stressful period at work, he went out with a friend for some alcoholic drinks. He reported that after two (2) drinks, he started having an episode of alcohol-related amnesia, which he presumed to be a result of an interaction between alcohol and medication he has been on for the treatment of PTSD. Mr. Waddell acknowledged this occurrence to be a relapse, because he had received treatment in September 2016 for alcohol use disorder, and he had remained abstinent from alcohol from the beginning of the treatment in 2016 until March 15, 2018. Mr. Waddell reported he had no recollection of his arrest or the events thereafter; however, records indicate that during booking at the Rockcastle



**Danny Wayne Waddell
Agreed Order
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County Jail, he seriously injured a correctional officer. On October 17, 2018, the Board issued an order for immediate temporary suspension of his nursing licenses in order to protect the public.

During an investigative meeting held at the Board office on October 29, 2018, Mr. Waddell admitted to purchasing a bottle of alcohol on March 15, 2018, to consume at home.

Personal medical records received in the Board office on October 29, 2018, from Mr. Waddell documented a blood ethanol level of 173.0 mg/dl on March 16, 2018, at 3:36AM at Fockcastle Regional Hospital, Mt. Vernon, Kentucky, after his arrest.

The Board acknowledges receipt of the following: a letter of explanation from Mr. Waddell and five (5) letters of recommendation from Mr. Waddell's peers, received on October 23, 2018; a mental health/substance use disorder evaluation, received on October 25, 2018, from Mindsight Behavioral Group, Somerset, Kentucky, indicating a substance use disorder and recommending continued therapy with his current counselor at Kentucky Counseling Center to work on potential for relapse due to his history of abuse of alcohol and recent relapse in less than 12 months; a report from Mr. Waddell's counselor, received on October 26, 2018; medical records for Mr. Waddell received on October 29, 2018; and an update from Mr. Waddell's counselor, received on February 15, 2019.

Mr. Waddell acknowledges these actions are in violation of KRS 314.091(1).

The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:

- (d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

- (f) abuses controlled substances, prescription medications, illegal substances, or alcohol; [and]

- (i) has violated any of the provisions of this chapter [including 314.021(2)].

Danny Wayne Waddell
Agreed Order
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Mr. Waddell has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. Mr. Waddell understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, he waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against him.
2. Evidence that Mr. Waddell has committed any violation of KRS Chapter 314 during the period of suspension will be considered at the time of his application for reinstatement of the nursing license(s)/credential and may be grounds for additional disciplinary action.
3. All terms of the Agreed Order will begin immediately upon processing of the application for licensure. He will not be eligible for a multistate license during the period of monitoring, and until authorized pursuant to the Nurse Licensure Compact.
4. When this Agreed Order becomes effective, Mr. Waddell's nursing license(s)/credential will be placed on limited/probated status for a period of at least two (2) years of employment as an advanced practice registered nurse.
5. The period of limitation/probation will continue until he has been employed as an advanced practice registered nurse for a period of at least two (2) years, and until all other terms of this order are satisfied.
6. Periods of time in which Mr. Waddell is not employed as an advanced practice registered nurse will be excluded from the computation of probationary time.
7. Employment in fields other than as an advanced practice registered nurse or a period of unemployment does not relieve him of compliance with all other terms and conditions of this order.
8. While on limitation/probation Mr. Waddell:
 - a) agrees to maintain current nursing license(s)/credential in Kentucky or another jurisdiction while under the terms of this order, and acknowledges that the inability to obtain a license in another jurisdiction may subject him to additional disciplinary action;
 - b) agrees not to practice nursing in any other state which is a party to the Nurse Licensure Compact without obtaining a single state license from the nursing regulatory authority in the party state in which he wishes to practice;



Danny Wayne Waddell
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- c) agrees to notify Board staff in writing within fourteen (14) days if he applies for nursing licensure in another jurisdiction;
- d) may not be employed in a nursing position that requires him to provide direct patient care in the following settings: private duty, nurse registry, temporary nurse employment agency, or home health care;
- e) may not be scheduled to work more than eighty-eight (88) hours per two-week period. The nursing position may be a full-time or a part-time position but must require him to work at least thirty-two (32) hours per month;
- f) will provide a complete copy of this order to all potential nursing employers including, but not limited to, nursing recruiters or human resources staff during the interview process;
- g) will provide a complete copy of this order to his immediate nursing manager or supervisor and will have the nursing manager or supervisor acknowledge to Board staff in writing that he has provided them a copy of this order within fourteen (14) days. He will have the nursing manager or supervisor discuss the terms of this order with Board staff within fourteen (14) days of employment. He will notify Board staff in writing if there is a change of nursing managers or supervisors;
- h) will provide a complete copy of this order to his counselor, and will have the counselor acknowledge to Board staff in writing that he has provided them a copy of this order within sixty (60) days, if applicable;
- i) will provide a complete copy of this order to his probation/parole officer, and will have the probation/parole officer acknowledge to Board staff in writing that he has provided them a copy of this order within sixty (60) days, if applicable;
- j) will provide a complete copy of this order immediately to the program of nursing administration, if enrolled in such, and will have the program acknowledge to Board staff in writing that he has provided the school with a complete copy of the order within sixty (60) days;
- k) may not work without, and will provide any and all patient care, only if an advanced practice registered nurse or physician with an unencumbered license is physically present on the facility grounds and readily available to provide assistance and intervention, if necessary, during the full term of practice on limited/probated status;
- l) may not be employed in a managerial or supervisory position during the full term of practice on limited/probated status;



Danny Wayne Waddell
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- m) will have written reports submitted by his nursing employer(s), as determined by Board staff. Report forms will be made available for this purpose. The employer(s) will verify Mr. Waddell's compliance with each practice limitation on each report;
- n) will have written reports submitted by his therapeutic counselor(s) or primary therapist of compliance with recommendations stated herein, until documented release from counseling, as determined by Board staff;
- o) will have written reports submitted by his health care practitioner(s) with current plan of treatment, pain management agreement, medication assisted treatment, and controlled substance agreements, including compliance, and his ability to continue in nursing practice, as determined by Board staff, if applicable;
- p) will have written reports submitted by his program of nursing, as determined by Board staff, if applicable;
- q) will have written reports submitted by his probation/parole officer, if a criminal conviction is entered, until documented release from probation/parole/diversion, as determined by Board staff, unless the probation/parole officer specifically advises Board staff of his or her refusal to provide written reports, in which case verbal reports shall be accepted;
- r) agrees that an employer report of substantiated unsafe nursing practice, noncompliance with any of the limitations placed on his practice, evidence of substance abuse, a counselor's or primary therapist's report of noncompliance with the therapeutic plan of care, or a report of noncompliance with court ordered probation or diversion constitutes evidence of a violation of the terms of this order;
- s) will submit verification, as determined by Board staff, of attendance at least three (3) times weekly at a twelve (12) step support group;
- t) agrees to have at least twice (2) weekly contact with his sponsor, and provide verification as determined by Board staff;
- u) will submit random biological materials for drug/alcohol testing utilizing the drug screen program designated by the Board and as requested by his employer(s), Board staff, counselor(s), or therapist(s) until notified in writing by the Board that all requirements set forth in this agreement have been satisfied. Mr. Waddell will register with the drug screen program within fifteen (15) days of the effective date of this order and comply with all requirements of the drug screen program concerning random alcohol and drug testing. All testing will be at Mr. Waddell's expense. A GC/MS (gas



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chromatography/mass spectrometry) or LC/MS (liquid chromatography/mass spectrometry) confirmed drug screen indicating the ingestion, inhalation, or absorption of any non-prescribed mood-altering substance, alcohol, poppy seeds, hemp, or cannabidiol (CBD) products constitutes evidence of violation of the terms of this order. He agrees and understands that hand sanitizer, lotions, cosmetics, and over-the-counter liquids and syrups contain ethyl alcohol, unless the packaging materials include the words "alcohol free";

- v) will remain free of all mood-altering substances, alcohol, over-the-counter medications containing alcohol, poppy seeds, hemp, or cannabidiol (CBD) products until notified in writing by the Board that all requirements set forth in this Agreed Order have been satisfied. If Mr. Waddell is prescribed any mood-altering medications, such use is permitted, and it is his responsibility to ensure the prescribing practitioner has full knowledge of his history of substance/alcohol use. He must obtain from the prescribing practitioner written verification of all recommended, dispensed, or prescribed medications and submit to Board staff within five (5) days. Report forms will be made available for this purpose. A consultation with an advanced practice registered nurse who specializes in substance use disorder, a physician who specializes in substance use disorder, or a physician addictionologist may be required;
- w) will submit to Board staff, upon request, a list of the health care practitioners who are providing health care to him and who are prescribing any medication for his use, including a list of all medications, including over the counter medications;
- x) will meet with Board staff in the Kentucky Board of Nursing office or at a designated location as requested. Board staff will determine the frequency of the meetings and Mr. Waddell will abide by that determination;
- y) will provide evidence of successful completion of at least thirty (30) contact hours on Substance Use Disorder by a provider that meets the requirements of 201 KAR 20:220 within six (6) months of the effective date of this Order. The thirty (30) contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s)/credential;
- z) will pay a civil penalty of one thousand, two hundred dollars (\$1,200) to the Board by November 30, 2020;
- aa) will notify Board staff in writing of any change of name, address, nursing employment, termination of employment as a nurse, or expulsion from a program of nursing within fifteen (15) days of the event;



Danny Wayne Waddell
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- bb) will notify Board staff in writing of any change in probation/parole officer or therapist/counselor within fifteen (15) days of the event, if applicable;
- cc) will notify Board staff in writing of any disciplinary action, pending investigation, admission into a monitoring program, or noncompliance issues related to monitoring in another jurisdiction within fifteen (15) days of the event; [and]
- dd) will notify Board staff in writing of any criminal arrest, charge, pretrial diversion, indictment, guilty plea, or conviction within fifteen (15) days of the event.
- 9 Submission of fraudulent documents or reports; misrepresentation of facts relating to the terms and conditions of this order; any violation of state or federal law that endangered any person; or failure or inability to comply with any requirement of this order within ninety-six (96) months will constitute a violation of the order.
- 10 Mr. Waddell agrees and acknowledges that he may make a written request for voluntary surrender of the nursing license(s)/credential during the period of time he is on limitation/probation, indicating that he is unable to comply with the terms and conditions of the order. Any written request for voluntary surrender will subject Mr. Waddell to additional disciplinary action pursuant to the terms of this order. The voluntary surrender will begin upon entry of the order and will continue for a period of at least two (2) years. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
- 11 Mr. Waddell agrees and acknowledges that his failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Mr. Waddell has violated this Agreed Order, notice of intent to suspend/deny reinstatement will be issued to him. From the date this notice is mailed to Mr. Waddell in accordance with KRS 314.107, he shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing, and will result in suspension or denial of reinstatement with notification by mail. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue for a period of at least two (2) years. Reinstatement of the nursing license(s)/credential after such a suspension



Danny Wayne Waddell
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or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.

- 12 Removal of the nursing license(s)/credential from limitation/probation will depend on compliance with all terms and conditions stated in this order. If all terms are met, and if he has not committed any act during the limited/probated period that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared. Even after all requirements of this Agreed Order have been met, Mr. Waddell may be restricted to a single state license pursuant to the Nurse Licensure Compact provisions applicable to felonies, practice-related misdemeanors, or uncleared disciplinary actions.
- 13 This Agreed Order, when signed by Mr. Waddell and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.
- 14 Mr. Waddell hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.
- 15 All provisions and conditions of this order shall carry over to any nursing license(s)/credential in Kentucky that he receives, including pursuant to any multistate nursing licensure compact with the Board.



Danny Wayne Waddell
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Danny Wayne Waddell
Danny Wayne Waddell

Subscribed and Sworn to before me this 20th day of
May, 2019 by Danny Wayne Waddell.

Notary Public Dayna Chamberlain
State of Kentucky
My Commission expires 11/16/19

SEAL



(BOARD SEAL)

Pamela C. Hagan
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR,
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on May 21, 2019.

KENTUCKY BOARD OF NURSING**AGREED ORDER
CASE # 2017-0794****IN RE: SHARI LYNNE ARDUINO****LPN LICENSE # 2041390**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Shari Lynne Arduino has violated KRS Chapter 314. Shari Lynne Arduino, hereinafter referred to as Ms. Arduino, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Arduino agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

A complaint was received in the Board office December 6, 2016 from the Cabinet for Health and Family Services, Department for Community Based Services (DCBS), Frankfort, Kentucky, which indicated Ms. Arduino was terminated from her position as a licensed practical nurse after it was discovered she used improper technique during a patient's urethral catheterization. Specifically, Ms. Arduino performed a procedure without a physician's order, utilized improper medical equipment, and utilized unsterile equipment resulting in minor injury and pain to a patient under her care. Ms. Arduino also failed to properly document the procedure in the patient's chart.

In an investigative meeting held at the Board office on August 17, 2017, Ms. Arduino acknowledged she catheterized a patient using the incorrect size urethral catheter as well as unsterile equipment, without a physician's order.

The Board acknowledges receipt of the following: investigative records from DCBS received on December 6, 2016; a letter of explanation from Ms. Arduino on January 18, 2017; and a letter from the Assistant Attorney General, Office of Medicaid Fraud and Abuse, Louisville, Kentucky, on December 11, 2017, indicating their investigation of the incident was closed but expressing concern regarding Ms. Arduino's improper nursing procedures.

Ms. Arduino acknowledges these actions are in violation of KRS 314.091(1).

The Board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:

Agreed Order
Shari Lynne Arduino
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(d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

(h) has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records; [and]

* * *

(j) has violated any of the provisions of this chapter [including 314.021(2)].

Ms. Arduino has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. Ms. Arduino understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. All terms of the Agreed Order will begin immediately upon entry of this Agreed Order.
3. A reprimand is issued by the Board, which expresses concern regarding the seriousness of her inappropriate nursing actions.
4. She will pay a civil penalty of seven hundred fifty dollars (\$750) to the Board within six (6) months of the effective date of this Agreed Order.
5. She will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220 on Critical Thinking in Nursing within six (6) months of the effective date of this Agreed Order. The thirty (30) contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s)/privilege to practice/credential.
6. Until notified in writing by the Board that the requirements set forth in this Agreed Order have been satisfied, she will notify Board staff in writing within fifteen (15) days of any of the following occurrences: any pending disciplinary action related to any professional license or credential by any other jurisdiction; any pending investigation related to any professional license or credential by any other jurisdiction; admission into a monitoring program; any non-compliance issue related to monitoring related to any professional license or credential by any other jurisdiction; any criminal arrest; any misdemeanor or felony charge; entry into any pretrial diversion agreement; any criminal indictment; any guilty plea in a misdemeanor or felony case; or any misdemeanor or felony conviction.
7. Submission of fraudulent documents or reports, misrepresentation of facts relating to the conditions of this order, any violation of state or federal law that endangered any

Agreed Order
Shari Lynne Arduino
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person or failure to comply with any requirement of this order will constitute violation of the Order.

8. Ms. Arduino agrees and acknowledges that she may make a written request for voluntary surrender of the nursing license(s)/privilege to practice/credential during the period of time she is on monitoring, indicating that she is unable to comply with the terms and conditions of the Agreed Order. Any written request for voluntary surrender will subject Ms. Arduino to additional disciplinary action pursuant to the terms of this Agreed Order. The voluntary surrender will begin upon entry of the order and will continue until all requirements of this Agreed Order have been met. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/privilege to practice/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this Order.
9. Ms. Arduino agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/privilege to practice/credential or denial of reinstatement of a lapsed, invalidated, or expired license(s)/privilege to practice/credential. Should Board staff determine that Ms. Arduino has violated this Agreed Order, notice of intent to suspend or deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Arduino in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing and will result in suspension or denial of reinstatement with notification by mail. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue until all requirements of this Agreed Order have been met. Reinstatement of the license(s)/privilege to practice/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this Order.
10. This Agreed Order, when signed by Ms. Arduino and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow the standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.
11. She hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.

Agreed Order
Shari Lynne Arduino
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- 12. All provisions and conditions of this order shall carry over to any license(s)/privilege to practice/credential in Kentucky that she receives, including pursuant to any multistate nursing licensure compact with the Board.
- 13. Removal of the nursing license(s)/privilege to practice/credential from active discipline will depend on compliance with all terms and conditions stated in this order. If all terms and conditions met, and if she has not committed any act prior to completion of all requirements stated in this Agreed Order that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared.

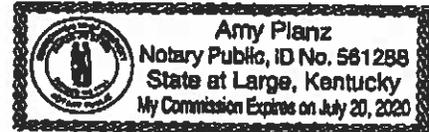
Shari Lynne Arduino
Shari Lynne Arduino

Subscribed and Sworn to before me this 31 day of
May, 2019 by Shari Lynne Arduino.

Notary Public [Signature]

State of Kentucky

My Commission expires 07/20/2020



SEAL



(BOARD SEAL)

Pamela C. Hagan
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on
June 5, 2019.

110-06-19

KENTUCKY BOARD OF NURSING**AGREED ORDER
CASE # 2018-0331****IN RE: HEATHER MARIE FISCHER-BRYANT****RN LICENSE # 1148748**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Heather Marie Fischer-Bryant has violated KRS Chapter 314. Heather Marie Fischer-Bryant, hereinafter referred to as Ms. Fischer-Bryant, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Fischer-Bryant agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

A self-report from Ms. Fischer-Bryant was received in the Board office on September 17, 2017, which stated that she had consumed a few glasses of wine the evening of September 6, 2017. She reported to work the next day and tested positive for alcohol.

The Board received a complaint from University of Kentucky Health Care Good Samaritan (UKHC-GS) Lexington, Kentucky, on September 20, 2017, stating Ms. Fischer-Bryant's "fitness for duty" drug test was positive for alcohol. She was placed on a two (2) day suspension and ninety (90) day corrective action probation.

The Board acknowledges receipt of the following: copy of a certificate showing completion of thirty (30) contact hours on Substance Abuse, completed on September 22, 2017, from her attorney on October 25, 2017; personnel and applicable records from UKHC-GS on October 27, 2017; a letter of explanation from Ms. Fischer-Bryant on November 17, 2017; a positive mental health/substance use disorder evaluation from Michael DiBiasie, Nicholasville, Kentucky, on December 11, 2017, recommending abstinence from alcohol, a psychiatric evaluation, a minimum attendance of four (4) outpatient alcohol-related treatment groups, and a minimum attendance of thirty (30) community alcohol treatment groups; a positive mental health/substance use disorder evaluation from Crossroads Counseling Services, Georgetown, Kentucky, on January 30, 2018, recommending abstinence of alcohol, continuation of psychotherapy treatment, including individual counseling and attendance of outpatient substance abuse counseling for at least twenty-six (26) group meetings, with re-evaluation after six (6) months; copy of a certificate of showing ten (10) contact hours on Alcohol and Alcohol Use Disorders, completed on January 10, 2019, copies of three (3) Daisy Award nominations, and her 2017 performance evaluation on January 10, 2019; verification from Tracey Werner-Wilson, MSW, LMFT, Director, University of Kentucky (UK) Family Center, Lexington, Kentucky, of completion of all mandatory REFER counseling sessions ordered by her employer, on January 13, 2019; and two (2) Bronze Awards, four (4) letters of recommendation, and her resume on February 4, 2019.

Ms. Fischer-Bryant acknowledges these actions are in violation of KRS 314.091(1).

**Heather Marie Fischer-Bryant
Agreed Order
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The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:...

- (d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

- (f) abuses controlled substances, prescription medications, illegal substances, or alcohol;

- (j) has violated any of the provisions of this chapter; [and]

- (p) has used or been impaired as a consequence of the use of alcohol or drugs while practicing as a nurse.

She has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. She understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. All terms of this Agreed Order will begin immediately upon entry of this order. She will not be eligible for a multistate license during the period of monitoring and until authorized pursuant to the Nurse Licensure Compact.
3. When this Agreed Order becomes effective, Ms. Fischer-Bryant's nursing license(s)/credential will be placed on limited/probated status for a period of at least eighteen (18) months of employment as a registered nurse.
4. The period of limitation/probation will continue until she has been employed as a registered nurse for a period of at least eighteen (18) months, and until all other terms of this order are met.

**Heather Marie Fischer-Bryant
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5. Periods of time in which Ms. Fischer-Bryant is not employed as a nurse will be excluded from the computation of probationary time.
6. Employment in fields other than nursing or a period of unemployment does not relieve her of compliance with all other terms and conditions of this order.
7. While on limitation/probation Ms. Fischer-Bryant:
 - a) agrees to maintain current nursing license(s)/credential in Kentucky or another jurisdiction while under the terms of this order, and acknowledges that the inability to obtain a license in another jurisdiction may subject her to additional disciplinary action;
 - b) agrees not to practice nursing in any other state which is a party to the Nurse Licensure Compact without obtaining a single state license from the nursing regulatory authority in the party state in which she wishes to practice;
 - c) agrees to notify Board staff in writing within fourteen (14) days if she applies for nursing licensure in another jurisdiction;
 - d) may not be employed in a nursing position that requires her to provide direct patient care in the following settings: private duty, nurse registry, temporary nurse employment agency, or home health care;
 - e) may not be scheduled to work more than eighty-eight (88) hours per two-week period. The nursing position may be a full-time or a part-time position but must require her to work at least thirty-two (32) hours per month;
 - f) will provide a complete copy of this order to all potential nursing employers including, but not limited to, nursing recruiters or human resources staff during the interview process;
 - g) will provide a complete copy of this order to her immediate nursing manager or supervisor and will have the nursing manager or supervisor acknowledge to Board staff in writing that she has provided them a copy of this order within fourteen (14) days. She will have the nursing manager or supervisor discuss the terms of this order with Board staff within fourteen (14) days of employment. She will notify Board staff in writing if there is a change of nursing managers or supervisors;
 - h) will provide a complete copy of this order to her counselor, and will have the counselor acknowledge to Board staff in writing that she has provided them a copy of this order within sixty (60) days;

Heather Marie Fischer-Bryant
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- i) will provide a complete copy of this order immediately to the program of nursing administration, if enrolled in such, and will have the program acknowledge to Board staff in writing that she has provided the school with a complete copy of the Order within sixty (60) days;
- j) may not work without, and will provide any and all patient care only under, the continuous on-site supervision of a nurse or physician with an unencumbered license who is physically present on the facility grounds and readily available to provide assistance and intervention if necessary during the full term of practice on limited/probated status;
- k) may not be employed in a managerial or supervisory position during the full term of practice on limited/probated status;
- l) will have written reports submitted by her nursing employer(s), as determined by Board staff. Report forms will be made available for this purpose. The employer(s) will verify Ms. Fischer-Bryant's compliance with each practice limitation on each report;
- m) will have written reports submitted by her therapeutic counselor(s) or primary therapist of compliance with recommendations stated herein, until documented release from counseling, as determined by Board staff;
- n) will have written reports submitted by her health care practitioner(s) with current plan of treatment, pain management agreement, medication assisted treatment, and controlled substance agreements, including compliance, and her ability to continue in nursing practice, as determined by Board staff;
- o) will have written reports submitted by her program of nursing, as determined by Board staff, if applicable;
- p) will have written reports submitted by her probation/parole officer, if a criminal conviction is entered, until documented release from probation/parole/diversion, as determined by Board staff, unless the probation/parole officer specifically advises Board staff of his or her refusal to provide written reports, in which case verbal reports shall be accepted;
- q) agrees that an employer report of substantiated unsafe nursing practice, noncompliance with any of the limitations placed on her practice, evidence of substance abuse, a counselor's or primary therapist's report of noncompliance with the therapeutic plan of care, or a report of noncompliance with court ordered probation or diversion constitutes evidence of a violation of the terms of this order;

Heather Marie Fischer-Bryant
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- r) will submit verification, as determined by Board staff, of attendance at least once per week at an AA/NA support group, and attendance at a counseling session at least once per week, or as recommended by the counselor, until counselor releases her.
- s) will submit random biological materials for drug/alcohol testing utilizing the drug screening program designated by the Board and as requested by her employer(s), Board staff, counselor(s), or therapist(s) until notified in writing by the Board that all requirements set forth in this agreement have been satisfied. Ms. Fischer-Bryant will register with the drug screening program within fifteen (15) days of the effective date of this order and comply with all requirements of the drug screening program concerning random alcohol and drug testing. All testing will be at Ms. Fischer-Bryant's expense. A GC/MS (gas chromatography/mass spectrometry) or LC/MS (liquid chromatography/mass spectrometry) confirmed drug screening indicating the ingestion, inhalation, or absorption of any non-prescribed mood-altering substance, alcohol, poppy seeds, hemp, or cannabidiol (CBD) products constitutes evidence of violation of the terms of this order. She agrees and understands that hand sanitizer, lotions, cosmetics, and over-the-counter liquids and syrups contain ethyl alcohol, unless the packaging materials include the words "alcohol-free";
- t) will remain free of all mood-altering substances, alcohol, over-the-counter medications containing alcohol, poppy seeds, hemp, or cannabidiol (CBD) products until notified in writing by the Board that all requirements set forth in this Agreed Order have been satisfied. If Ms. Fischer-Bryant is prescribed any mood-altering medications, such use is permitted, and it is her responsibility to ensure the prescribing practitioner has full knowledge of her history of substance/alcohol use. She must obtain from the prescribing practitioner written verification of all recommended, dispensed, or prescribed medications and submit to Board staff within five (5) days. Report forms will be made available for this purpose. A consultation with an advanced practice registered nurse who specializes in substance use disorder, a physician who specializes in substance use disorder, or a physician addictionologist may be required;
- u) will submit to Board staff, upon request, a list of the health care practitioners who are providing health care to her and who are prescribing any medication for her use, including a list of all medications, including over the counter medications;
- v) will meet with Board staff in the Kentucky Board of Nursing office or at a designated location as requested. Board staff will determine the frequency of the meetings, and Ms. Fischer-Bryant will abide by that determination;

Heather Marie Fischer-Bryant
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- w) will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220 on Substance Use Disorder by September 1, 2020. The thirty (30) contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s)/credential. Ms. Fischer-Bryant submitted thirty (30) contact hours on Substance Abuse, completed on September 22, 2017, and ten (10) contact hours on Alcohol and Alcohol Use Disorder, completed and faxed on January 10, 2019, which are accepted toward the aforementioned requirement.
 - x) will pay a civil penalty of nine hundred dollars (\$900) to the Board by September 1, 2020;
 - y) will notify Board staff in writing of any change of name, address, nursing employment, termination of employment as a nurse, or expulsion from a program of nursing within fifteen (15) days of the event;
 - z) will notify Board staff in writing of any change in probation/parole officer or therapist/counselor within fifteen (15) days of the event, if applicable;
 - aa) will notify Board staff in writing of any disciplinary action, pending investigation, admission into a monitoring program, or noncompliance issues related to monitoring in another jurisdiction within fifteen (15) days of the event; [and]
 - bb) will notify Board staff in writing of any criminal arrest, charge, pretrial diversion, indictment, guilty plea, or conviction within fifteen (15) days of the event.
8. Submission of fraudulent documents or reports; misrepresentation of facts relating to the terms and conditions of this order; any violation of state or federal law that endangered any person; or failure or inability to comply with any requirement of this order within ninety-six (96) months will constitute violation of the order.
9. Ms. Fischer-Bryant agrees and acknowledges that she may make a written request for voluntary surrender of the nursing license(s)/credential during the period of time her is on limitation/probation, indicating that she is unable to comply with the terms and conditions of the order. Any written request for voluntary surrender will subject Ms. Fischer-Bryant to additional disciplinary action pursuant to the terms of this order. The voluntary surrender will begin upon entry of the order and will continue for a period of at least eighteen (18) months. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential

Heather Marie Fischer-Bryant
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will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.

10. Ms. Fischer-Bryant agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Ms. Fischer-Bryant has violated this Agreed Order, notice of intent to suspend/deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Fischer-Bryant in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing, and will result in suspension or denial of reinstatement, with notification by mail. The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue for a period of at least eighteen (18) months. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
11. Removal of the nursing license(s)/credential from limitation/probation will depend on compliance with all terms and conditions stated in this order. If all terms are met, and if she has not committed any act during the limited/probated period that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared. Even after all requirements of this Agreed Order have been met, Ms. Fischer-Bryant may be restricted to a single state license pursuant to the Nurse Licensure Compact provisions applicable to felonies, practice-related misdemeanors, or uncleared disciplinary actions.
12. This Agreed Order, when signed by Ms. Fischer-Bryant and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.
13. Ms. Fischer-Bryant hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.

Heather Marie Fischer-Bryant
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14. All provisions and conditions of this order shall carry over to any nursing license(s)/credential in Kentucky that she receives, including pursuant to any multistate nursing licensure compact with the Board.

Heather Marie Fischer-Bryant
Heather Marie Fischer-Bryant

Subscribed and Sworn to before me this 31 day of May, 2019 by Heather Marie Fischer-Bryant.

Notary Public Donna Workman DeW # 542073
State of Ky SEAL

My Commission expires ~~September 14, 2019~~



Pamela C. Hagan

(BOARD SEAL) Deputy
EXECUTIVE

PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on

June 21, 2019.

KENTUCKY BOARD OF NURSING**AGREED ORDER
CASE # 2018-1452****IN RE: KRISTA DAVIS****RN LICENSE # 1146696**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Krista Davis has violated KRS Chapter 314. Krista Davis, hereinafter referred to as Ms. Davis, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Davis agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

The Board received a self-report from Ms. Davis on June 8, 2018 that her Ohio nursing license was placed on indefinite suspension on May 17, 2018. The suspension was stayed, subject to probationary terms and restrictions for a minimum of two (2) years. On August 4, 2017, Ms. Davis reported to work as a registered nurse at the University of Cincinnati Medical Center (UCMC), Cincinnati, Ohio, after consuming alcohol the prior night. Ms. Davis was observed to be loud and agitated, with droopy eyes, and was forgetful. She was given a "for cause" alcohol breathalyzer test. That result was 0.021. A second breathalyzer test was completed per hospital policy, which resulted at 0.018. Ms. Davis resigned from UCMC in lieu of termination on August 10, 2017.

The Board acknowledges receipt of the following: a letter of explanation from Ms. Davis on July 23, 2018; a positive mental health and substance use disorder evaluation from Individual Care Center, Cincinnati, Ohio, on August 24, 2018, with a diagnosis of alcohol abuse in remission that recommended six (6) sessions with a certified substance abuse therapist; an addendum to the evaluation from Individual Care Center on January 14, 2019 with no new recommendations; and verification of four (4) counseling sessions with Morris Counseling Services, Crestview Hills, Kentucky, from Ms. Davis on February 25, 2019.

Ms. Davis acknowledges these actions are in violation of KRS 314.091(1).

The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:

* * *

**Agreed Order
Krista Davis
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- (d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

- (f) abuses controlled substances, prescription medications, illegal substances, or alcohol;

* * *

- (i) has a license, privilege, or credential to practice as a nurse denied, limited, suspended, probated, revoked, or otherwise disciplined in another jurisdiction on grounds sufficient to cause a license or privilege to be denied, limited, suspended, probated, revoked, or otherwise disciplined in this Commonwealth, including action by another jurisdiction for failure to repay a student loan;

- (j) has violated any of the provisions of this chapter; [and]

* * *

- (p) has used or been impaired as a consequence of the use of alcohol or drugs while practicing as a nurse.

In addition to the above cited violations, the Board has considered and determined the following facts to support the terms and conditions of this Agreed Order, as set out below:

On December 9, 2015, the Credentials Review Panel of the Board reviewed an application submitted by Ms. Davis involving a criminal conviction of Driving Under the Influence of Drugs/Alcohol, Kenton County, Kentucky, in 2011. The panel recommended a letter of concern, and issuance of her registered nursing license.

She has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. She understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. All terms of this Agreed Order will begin immediately upon entry of this order. She will not be eligible for a multistate license during the period of monitoring, and until authorized pursuant to the Nurse Licensure Compact.

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Krista Davis
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3. When this Agreed Order becomes effective, Ms. Davis' nursing license(s)/credential will be placed on limited/probated status for a period of at least two (2) years of employment as a registered nurse.
4. The period of limitation/probation will continue until she has been employed as a registered nurse for a period of at least two (2) years, and until all other terms of this order are met.
5. Periods of time in which Ms. Davis is not employed as a nurse will be excluded from the computation of probationary time.
6. Employment in fields other than nursing or a period of unemployment does not relieve her of compliance with all other terms and conditions of this order.
7. While on limitation/probation Ms. Davis:
 - a) agrees to maintain current nursing license(s)/credential in Kentucky or another jurisdiction while under the terms of this order, and acknowledges that the inability to obtain a license in another jurisdiction may subject her to additional disciplinary action;
 - b) agrees not to practice nursing in any other state which is a party to the Nurse Licensure Compact without obtaining a single state license from the nursing regulatory authority in the party state in which she wishes to practice;
 - c) agrees to notify Board staff in writing within fourteen (14) days if she applies for nursing licensure in another jurisdiction;
 - d) may not be employed in a nursing position that requires her to provide direct patient care in the following settings: private duty, nurse registry, temporary nurse employment agency, or home health care;
 - e) may not be scheduled to work more than eighty-eight (88) hours per two-week period. The nursing position may be a full-time or a part-time position but must require her to work at least thirty-two (32) hours per month;
 - f) will provide a complete copy of this order to all potential nursing employers including, but not limited to, nursing recruiters or human resources staff during the interview process;
 - g) will provide a complete copy of this order to her immediate nursing manager or supervisor and will have the nursing manager or supervisor acknowledge to Board staff in writing that she has provided them a copy of this order within fourteen (14) days. She will have the nursing manager or supervisor

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Krista Davis
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discuss the terms of this order with Board staff within fourteen (14) days of employment. She will notify Board staff in writing if there is a change of nursing managers or supervisors;

- h) will provide a complete copy of this order to her counselor, and will have the counselor acknowledge to Board staff in writing that she has provided them a copy of this order within sixty (60) days, if applicable;
- i) will provide a complete copy of this order to her probation/parole officer, and will have the probation/parole officer acknowledge to Board staff in writing that she has provided them a copy of this order within sixty (60) days, if applicable;
- j) will provide a complete copy of this order immediately to the program of nursing administration, if enrolled in such, and will have the program acknowledge to Board staff in writing that she has provided the school with a complete copy of the order within sixty (60) days;
- k) may not work without, and will provide any and all patient care only if a registered nurse or physician with an unencumbered license is physically present on the facility grounds and readily available to provide assistance and intervention if necessary during the full term of practice on limited/probated status;
- l) may not be employed in a managerial or supervisory position during the full term of practice on limited/probated status;
- m) will have written reports submitted by her nursing employer(s), as determined by Board staff. Report forms will be made available for this purpose. The employer(s) will verify Ms. Davis' compliance with each practice limitation on each report;
- n) will have written reports submitted by her therapeutic counselor(s) or primary therapist of compliance with recommendations stated herein, until documented release from counseling, as determined by Board staff;
- o) will have written reports submitted by her health care practitioner(s) with current plan of treatment, pain management agreement, medication assisted treatment, and controlled substance agreements, including compliance, and her ability to continue in nursing practice, as determined by Board staff, if applicable;
- p) will have written reports submitted by her program of nursing, as determined by Board staff, if applicable;

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Krista Davis
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- q) will have written reports submitted by her probation/parole officer, if a criminal conviction is entered, until documented release from probation/parole/diversion, as determined by Board staff, unless the probation/parole officer specifically advises Board staff of his or her refusal to provide written reports, in which case verbal reports shall be accepted;
- r) agrees that an employer report of substantiated unsafe nursing practice, noncompliance with any of the limitations placed on her practice, evidence of substance abuse, a counselor's or primary therapist's report of noncompliance with the therapeutic plan of care, or a report of noncompliance with court ordered probation or diversion constitutes evidence of a violation of the terms of this order;
- s) will submit verification, as determined by Board staff, of attendance at least one (1) time weekly at an Alcoholic Anonymous (AA) support group or peer support group;
- t) will submit random biological materials for drug/alcohol testing utilizing the drug screen program designated by the Board and as requested by her employer(s), Board staff, counselor(s), or therapist(s) until notified in writing by the Board that all requirements set forth in this agreement have been satisfied. Ms. Davis will register with the drug screen program within fifteen (15) days of the effective date of this order and comply with all requirements of the drug screen program concerning random alcohol and drug testing. All testing will be at Ms. Davis' expense. A GC/MS (gas chromatography/mass spectrometry) or LC/MS (liquid chromatography/mass spectrometry) confirmed drug screen indicating the ingestion, inhalation, or absorption of any non-prescribed mood-altering substance, alcohol, poppy seeds, hemp, or cannabidiol (CBD) products constitutes evidence of violation of the terms of this order. She agrees and understands that hand sanitizer, lotions, cosmetics, and over-the-counter liquids and syrups contain ethyl alcohol, unless the packaging materials include the words "alcohol free";
- u) will remain free of all mood-altering substances, alcohol, over-the-counter medications containing alcohol, poppy seeds, hemp, or cannabidiol (CBD) products until notified in writing by the Board that all requirements set forth in this Agreed Order have been met. If Ms. Davis is prescribed any mood-altering medications, such use is permitted, and it is her responsibility to ensure the prescribing practitioner has full knowledge of her history of substance/alcohol use. She must obtain from the prescribing practitioner written verification of all recommended, dispensed, or prescribed medications and submit to Board staff within five (5) days. Report forms will be made available for this purpose. A consultation with an advanced practice registered nurse who specializes in substance use disorder, a physician who

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- specializes in substance use disorder, or a physician addictionologist may be required;
- v) will submit to Board staff, upon request, a list of the health care practitioners who are providing health care to her and who are prescribing any medication for her use, including a list of all medications, including over the counter medications;
 - w) will meet with Board staff in the Kentucky Board of Nursing office or at a designated location as requested. Board staff will determine the frequency of the meetings and Ms. Davis will abide by that determination;
 - x) will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220 on Substance Use Disorder within six (6) months of the effective date of this order. The thirty contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s)/credential;
 - y) will pay a civil penalty of one thousand two hundred dollars (\$1,200) to the Board by November 18, 2019.
 - z) will notify Board staff in writing of any change of name, address, nursing employment, termination of employment as a nurse, or expulsion from a program of nursing within fifteen (15) days of the event;
 - aa) will notify Board staff in writing of any change in probation/parole officer or therapist/counselor within fifteen (15) days of the event, if applicable;
 - bb) will notify Board staff in writing of any disciplinary action, pending investigation, admission into a monitoring program, or noncompliance issues related to monitoring in another jurisdiction within fifteen (15) days of the event; and
 - cc) will notify Board staff in writing of any criminal arrest, charge, pretrial diversion, indictment, guilty plea, or conviction within fifteen (15) days of the event.
8. Submission of fraudulent documents or reports; misrepresentation of facts relating to the terms and conditions of this order; any violation of state or federal law that endangered any person; or failure or inability to comply with any requirement of this order within ninety-six (96) months will constitute violation of the order.

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Krista Davis
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9. Ms. Davis agrees and acknowledges that she may make a written request for voluntary surrender of the nursing license(s)/credential during the period of time she is on limitation/probation, indicating that she is unable to comply with the terms and conditions of the order. Any written request for voluntary surrender will subject Ms. Davis to additional disciplinary action pursuant to the terms of this order. The voluntary surrender will begin upon entry of the order and will continue for a period of at least two (2) years. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
10. Ms. Davis agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Ms. Davis has violated this Agreed Order, notice of intent to suspend/deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Davis in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing, and will result in suspension or denial of reinstatement, with notification by mail. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue for a period of at least two (2) years. Reinstatement of the nursing license(s)/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
11. Removal of the nursing license(s)/credential from limitation/probation will depend on compliance with all terms and conditions stated in this order. If all terms are met, and if she has not committed any act during the limited/probated period that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared. Even after all requirements of this Agreed Order have been met, Ms. Davis may be restricted to a single state license pursuant to the Nurse Licensure Compact provisions applicable to felonies, practice-related misdemeanors, or uncleared disciplinary actions
12. This Agreed Order, when signed by Ms. Davis and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations

Agreed Order
Krista Davis
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or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.

13. Ms. Davis hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.

14. All provisions and conditions of this order shall carry over to any nursing license(s)/credential in Kentucky that she receives, including pursuant to any multistate nursing licensure compact with the Board.

Krista Davis
Krista Davis

Subscribed and Sworn to before me this 14 day of
June, 2019 by Krista Davis.

Notary Public *John Michael Hanka*
State of Kentucky
My Commission expires 9-28-19



JOHN-MICHAEL HANKA
Notary Public, Kentucky
State At Large
My Commission Expires
September 28, 2019
Notary ID# 542994

Pamela C. Hagan
(BOARD SEAL) DEPUTY PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on
June 24, 2019.

REC'D

JUN 19 2019

KBN

KENTUCKY BOARD OF NURSING**AGREED ORDER
CASE # 2018-0916****IN RE: TERESA R. LAYNE MOORE****RN LICENSE # 1068139**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Teresa R. Layne Moore has violated KRS Chapter 314. Teresa R. Layne Moore, hereinafter referred to as Ms. Moore, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Moore agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

On February 9, 2018, a complaint was received from Fountain Circle Care, Winchester, Kentucky, that stated that during Ms. Moore's employment as a registered nurse, she removed four (4) medications for administration more frequently than ordered and neglected to document the medications. A "for cause" drug screen was performed and resulted negative. Ms. Moore's employment as a registered nurse was terminated on January 30, 2018. Ms. Moore denied diverting medications and explained she was looking at old orders related to the medications and did not notice the orders had changed. She stated she would give a medication, but did not always document in the electronic medication administration record. Ms. Moore requested entrance into the Kentucky Alternative Recovery Effort (KARE) on January 8, 2019. That request was denied. Ms. Moore was previously on medication assisted treatment in 2009, but continued to abuse opioids at that time. Ms. Moore attended inpatient treatment in 2010 at The Healing Place (THP), Louisville, Kentucky. She had a relapse on alcohol and attended inpatient treatment at THP in 2013. She is currently on medication assisted treatment.

The Board acknowledges receipt of the following: Ms. Moore's personnel file and controlled drug records on February 12, 2018; portions of patient medical records on February 26, 2018 and April 17, 2018; a letter of explanation from Ms. Moore, four (4) letters of recommendation, and copies of negative urine drug screens on April 23, 2018; a positive mental health/substance use disorder evaluation from Pathways, Grayson, Kentucky, recommending outpatient substance abuse and mental health counseling, on May 22, 2018; verification of treatment from Pathways on November 13, 2018; and copies of additional negative urine drug screens on January 8, 2019.

Ms. Moore acknowledges these actions are in violation of KRS 314.091(1).

The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder,

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Agreed Order
Teresa R. Layne Moore
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privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:...

- (d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

- (h) has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records; [and]

* * *

- (j) has violated any of the provisions of this chapter.

She has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. She understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. All terms of this Agreed Order will begin immediately upon entry of this order. She will not be eligible for a multistate license during the period of monitoring, and until authorized pursuant to the Nurse Licensure Compact.
3. When this Agreed Order becomes effective, Ms. Moore's nursing license(s)/credential will be placed on limited/probated status for a period of at least two (2) years of employment as a registered nurse.
4. The period of limitation/probation will continue until she has been employed as a registered nurse for a period of at least two (2) years, and until all other terms of this order are met.
5. Periods of time in which Ms. Moore is not employed as a nurse will be excluded from the computation of probationary time.
6. Employment in fields other than nursing or a period of unemployment does not relieve her of compliance with all other terms and conditions of this order.
7. While on limitation/probation Ms. Moore:

Agreed Order
Teresa R. Layne Moore
Page 3 of 8

- a) agrees to maintain current nursing license(s)/credential in Kentucky or another jurisdiction while under the terms of this order, and acknowledges that the inability to obtain a license in another jurisdiction may subject her to additional disciplinary action;
- b) agrees not to practice nursing in any other state which is a party to the Nurse Licensure Compact without obtaining a single state license from the nursing regulatory authority in the party state in which she wishes to practice;
- c) agrees to notify Board staff in writing within fourteen (14) days if she applies for nursing licensure in another jurisdiction;
- d) may not be employed in a nursing position that requires her to provide direct patient care in the following settings: private duty, nurse registry, temporary nurse employment agency, or home health care;
- e) may not be scheduled to work more than eighty-eight (88) hours per two-week period. The nursing position may be a full-time or a part-time position but must require her to work at least thirty-two (32) hours per month;
- f) will provide a complete copy of this order to all potential nursing employers including, but not limited to, nursing recruiters or human resources staff during the interview process;
- g) will provide a complete copy of this order to her immediate nursing manager or supervisor and will have the nursing manager or supervisor acknowledge to Board staff in writing that she has provided them a copy of this order within fourteen (14) days. She will have the nursing manager or supervisor discuss the terms of this order with Board staff within fourteen (14) days of employment. She will notify Board staff in writing if there is a change of nursing managers or supervisors;
- h) will provide a complete copy of this order to her counselor, and will have the counselor acknowledge to Board staff in writing that she has provided them a copy of this order within sixty (60) days, if applicable;
- i) will provide a complete copy of this order to her probation/parole officer, and will have the probation/parole officer acknowledge to Board staff in writing that she has provided them a copy of this order within sixty (60) days, if applicable;
- j) will provide a complete copy of this order immediately to the program of nursing administration, if enrolled in such, and will have the program acknowledge to Board staff in writing that she has provided the school with a complete copy of the order within sixty (60) days;

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Teresa R. Layne Moore
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- k) may not work without, and will provide any and all patient care only if a registered nurse or physician with an unencumbered license is physically present on the facility grounds and readily available to provide assistance and intervention if necessary during the full term of practice on limited/probated status;
- l) will prepare, administer, and document administration of controlled substances only under the on-site supervision of a nurse or physician with an unencumbered license during the first (1st) year of practice on limited/probated status;
- m) may not be employed in a managerial or supervisory position during the two (2) years of practice on limited/probated status;
- n) will have written reports submitted by her nursing employer(s), as determined by Board staff. Report forms will be made available for this purpose. The employer(s) will verify Ms. Moore's compliance with each practice limitation on each report;
- o) will have written reports submitted by her therapeutic counselor(s) or primary therapist of compliance with recommendations stated herein, until documented release from counseling, as determined by Board staff;
- p) will have written reports submitted by her health care practitioner(s) with current plan of treatment, pain management agreement, medication assisted treatment, and controlled substance agreements, including compliance, and her ability to continue in nursing practice, as determined by Board staff;
- q) will have written reports submitted by her program of nursing, as determined by Board staff, if applicable;
- r) will have written reports submitted by her probation/parole officer, if a criminal conviction is entered, until documented release from probation/parole/diversion, as determined by Board staff, unless the probation/parole officer specifically advises Board staff of his or her refusal to provide written reports, in which case verbal reports shall be accepted;
- s) agrees that an employer report of substantiated unsafe nursing practice, noncompliance with any of the limitations placed on her practice, evidence of substance abuse, a counselor's or primary therapist's report of noncompliance with the therapeutic plan of care, or a report of noncompliance with court ordered probation or diversion constitutes evidence of a violation of the terms of this order;

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Teresa R. Layne Moore
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- t) will submit verification, as determined by Board staff, of attendance at least two (2) times weekly at an AA/NA support group;
- u) will submit random biological materials for drug/alcohol testing utilizing the drug screen program designated by the Board and as requested by her employer(s), Board staff, counselor(s), or therapist(s) until notified in writing by the Board that all requirements set forth in this agreement have been satisfied. Ms. Moore will register with the drug screen program within fifteen (15) days of the effective date of this order and comply with all requirements of the drug screen program concerning random alcohol and drug testing. All testing will be at Ms. Moore's expense. A GC/MS (gas chromatography/mass spectrometry) or LC/MS (liquid chromatography/mass spectrometry) confirmed drug screen indicating the ingestion, inhalation, or absorption of any non-prescribed mood-altering substance, alcohol, poppy seeds, hemp, or cannabidiol (CBD) products constitutes evidence of violation of the terms of this order. She agrees and understands that hand sanitizer, lotions, cosmetics, and over-the-counter liquids and syrups contain ethyl alcohol, unless the packaging materials include the words "alcohol free";
- v) will remain free of all mood-altering substances, alcohol, over-the-counter medications containing alcohol, poppy seeds, hemp, or cannabidiol (CBD) products until notified in writing by the Board that all requirements set forth in this Agreed Order have been satisfied. If Ms. Moore is prescribed any mood-altering medications, such use is permitted, and it is her responsibility to ensure the prescribing practitioner has full knowledge of her history of substance/alcohol use. She must obtain from the prescribing practitioner written verification of all recommended, dispensed, or prescribed medications and submit to Board staff within five (5) days. Report forms will be made available for this purpose. A consultation with an advanced practice registered nurse who specializes in substance use disorder, a physician who specializes in substance use disorder, or a physician addictionologist may be required;
- w) will submit to Board staff, upon request, a list of the health care practitioners who are providing health care to her and who are prescribing any medication for her use, including a list of all medications, including over the counter medications;
- x) will meet with Board staff in the Kentucky Board of Nursing office or at a designated location as requested. Board staff will determine the frequency of the meetings and Ms. Moore will abide by that determination;
- y) will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220 within eighteen (18) months of the effective date of this order. The thirty (30)

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Teresa R. Layne Moore
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contact hours should include twenty (20) contact hours on Substance Use Disorder and ten (10) contact hours on Documentation. The thirty (30) contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s)/credential;

- z) will pay a civil penalty of one thousand, two hundred dollars (\$1,200) to the Board within eighteen (18) months of the effective date of the order;
 - aa) will notify Board staff in writing of any change of name, address, nursing employment, termination of employment as a nurse, or expulsion from a program of nursing within fifteen (15) days of the event;
 - bb) will notify Board staff in writing of any change in probation/parole officer or therapist/counselor within fifteen (15) days of the event, if applicable;
 - cc) will notify Board staff in writing of any disciplinary action, pending investigation, admission into a monitoring program, or noncompliance issues related to monitoring in another jurisdiction within fifteen (15) days of the event; and
 - dd) will notify Board staff in writing of any criminal arrest, charge, pretrial diversion, indictment, guilty plea, or conviction within fifteen (15) days of the event.
8. Submission of fraudulent documents or reports; misrepresentation of facts relating to the terms and conditions of this order; any violation of state or federal law that endangered any person; or failure or inability to comply with any requirement of this order within ninety-six (96) months will constitute violation of the order.
9. Ms. Moore agrees and acknowledges that she may make a written request for voluntary surrender of the nursing license(s)/credential during the period of time she is on limitation/probation, indicating that she is unable to comply with the terms and conditions of the order. Any written request for voluntary surrender will subject Ms. Moore to additional disciplinary action pursuant to the terms of this order. The voluntary surrender will begin upon entry of the order and will continue for a period of at least two (2) years. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
10. Ms. Moore agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/credential or denial of reinstatement of a lapsed,

Agreed Order
Teresa R. Layne Moore
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invalidated, or expired license/credential. Should Board staff determine that Ms. Moore has violated this Agreed Order, notice of intent to suspend/deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Moore in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing, and will result in suspension or denial of reinstatement, with notification by mail. The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue for a period of at least two (2) years. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.

11. Removal of the nursing license(s)/credential from limitation/probation will depend on compliance with all terms and conditions stated in this order. If all terms are met, and if she has not committed any act during the limited/probated period that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared. Even after all requirements of this Agreed Order have been met, Ms. Moore may be restricted to a single state license pursuant to the Nurse Licensure Compact provisions applicable to felonies, practice-related misdemeanors, or uncleared disciplinary actions.
12. This Agreed Order, when signed by Ms. Moore and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.
13. Ms. Moore hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.
14. All provisions and conditions of this order shall carry over to any nursing license(s)/credential in Kentucky that she receives, including pursuant to any multistate nursing licensure compact with the Board.

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Agreed Order
Teresa R. Layne Moore
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Teresa R. Layne Moore
Teresa R. Layne Moore

Subscribed and Sworn to before me this 21 day of
June 2019 by Teresa R. Layne Moore.

Notary Public Tracie Holder

State of Kentucky

My Commission expires October 20, 2022

SEAL

TRACIE L. HOLDER
NOTARY PUBLIC
STATE AT LARGE
KENTUCKY
ID # 609989

(BOARD SEAL)

Pamela C. Hagan, MSN, RN
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on

June 28, 2019

REC'D

JUN 21 2019

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WALK-IN

113-06-19

KENTUCKY BOARD OF NURSING**AGREED ORDER
CASE # 2017-1808****IN RE: KIM BREWER COX****RN LICENSE # 1057798
APRN LICENSE # 3003257**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Kim Brewer Cox has violated KRS Chapter 314. Kim Brewer Cox, hereinafter referred to as Ms. Cox, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Cox agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

Information was received in the Board office on July 5, 2017, from the Office of Inspector General (OIG), Frankfort, Kentucky, indicating that Ms. Cox's controlled substance prescribing practices warranted further investigation. Ms. Cox, advanced practice registered nurse (APRN), is the owner of Mountain Family Practice located in Manchester, Kentucky. On July 12, 2017, Board staff reviewed a prescriber Kentucky All Scheduled Prescriber Electronic Report (KASPER) including prescribing issues reported in the OIG report.

On July 19, 2017, an administrative complaint was entered against Ms. Cox and requested she provide nineteen (19) complete patient charts. The complaint also identified eleven (11) patients for whom thirty-two (32) specific prescription records were requested.

An expert witness reviewed initial patient records submitted by Ms. Cox as well as additional supplemental records. The findings of the report indicated that often the first (1st) line of treatment for pain in this family practice was the prescribing of a controlled substance, specifically Norco, a Schedule II controlled substance verses an nonsteroidal anti-inflammatory drug (NSAID). Physical exams for functional mobility were lacking measureable assessments for the monitoring and justifying use of long-term opioid management. Specifically, one (1) patient was seen eleven (11) times by this provider and all patient encounters, including intake, related only to pain and anxiety management, not to any of the patient's co-morbidities, hypertension or diabetes mellitus conditions. In addition, Ms. Cox treated and continued to prescribe controlled substances to another patient, which tested positive on two (2) separate occasions for Methamphetamine. The patient record reflects that Ms. Cox counseled the patient but there was no change in the medication regimen nor any justification for the continued prescribing of controlled substances.

Additionally, Ms. Cox authorized fifteen (15) controlled substance prescriptions for quantities and/or refills that exceeded applicable APRN prescribing limits.

REC'D**JUN 24 2019****KBN**

**Agreed Order
Kim Brewer Cox
Page 2 of 5**

The Board acknowledges receipt of the following: Kentucky All Scheduled Prescriber Electronic Report dated July 10, 2015 – July 10, 2017; pertinent patient medical records; initial response from Ms. Cox's attorney received September 1, 2017; a binder from Ms. Cox's attorney with proof of education courses completed received on October 20, 2017; initial expert witness report received on November 20, 2017; a supplemental response from Ms. Cox's attorney on her behalf on August 20, 2018; a supplemental expert witness report received on November 6, 2018; a letter from Ms. Cox's attorney on her behalf in response to the expert witness report received on February 21, 2019; and seven (7) letters of recommendation.

Ms. Cox acknowledges these actions are in violation of KRS 314.091(1).

The Board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:...

* * *

(d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

(h) has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records;

* * *

(j) has violated any of the provisions of this chapter [including 314.011(8), 314.021(2) and 314.095]; [and]

* * *

(l) has violated any administrative regulation promulgated by the Board [including 201 KAR 20:057 and 201 KAR 20:059].

In addition to the above-cited violations, the Board has considered and determined the following facts to support the terms and conditions of this Agreed Order, as set out below:

On December 5, 2014, the Credentials Review Panel of the Board reviewed a complaint against Ms. Cox involving improper prescribing practices of controlled substances. A letter of concern was issued.

Ms. Cox has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. Ms. Cox understands and agrees to the following conditions for the limited purpose of this Agreed Order:

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**Agreed Order
Kim Brewer Cox
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1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. All terms of the Agreed Order will begin immediately upon entry of this Agreed Order.
3. A reprimand is issued by the Board, which expresses concern regarding the seriousness of her inappropriate prescribing actions.
4. She will pay a civil penalty of one thousand dollars (\$1000) to the Board within six (6) months of the effective date of this Agreed Order.
5. She will provide evidence of successful completion of the course entitled "Prescribing Controlled Drugs" offered by The Center for Professional Health at Vanderbilt University Health Center, Nashville, Tennessee, telephone number (615) 936-0678 **(Completed on October 20, 2017)**.
6. She will provide evidence of successful completion of the course entitled, "Medical Record Keeping" offered by The Center for Personalized Education for Physicians, Denver, Colorado, telephone number (303) 577-3232 **(Completed on September 21, 2018)**.
7. Until notified in writing by the Board that the requirements set forth in this Agreed Order have been satisfied, she will notify Board staff in writing within fifteen (15) days of any of the following occurrences: any pending disciplinary action related to any professional license or credential by any other jurisdiction; any pending investigation related to any professional license or credential by any other jurisdiction; admission into a monitoring program; any non-compliance issue related to monitoring related to any professional license or credential by any other jurisdiction; any criminal arrest; any misdemeanor or felony charge; entry into any pretrial diversion agreement; any criminal indictment; any guilty plea in a misdemeanor or felony case; or any misdemeanor or felony conviction.
8. Submission of fraudulent documents or reports, misrepresentation of facts relating to the conditions of this order, any violation of state or federal law that endangered any person or failure to comply with any requirement of this order will constitute violation of the order.
9. Ms. Cox agrees and acknowledges that she may make a written request for voluntary surrender of the nursing license(s)/privilege to practice/credential during the period of time she is on monitoring, indicating that she is unable to comply with the terms and conditions of the Agreed Order. Any written request for voluntary surrender will subject Ms. Cox to additional disciplinary action pursuant to the terms of this Agreed Order. The voluntary surrender will begin upon entry of the order and will continue

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**Agreed Order
Kim Brewer Cox
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- until all requirements of this Agreed Order have been met. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/privilege to practice/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
10. Ms. Cox agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/privilege to practice/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Ms. Cox has violated this Agreed Order, notice of intent to suspend or deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Cox in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing and will result in suspension or denial of reinstatement with notification by mail. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue until all requirements of this Agreed Order have been met. Reinstatement of the nursing license(s)/privilege to practice/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
 11. This Agreed Order, when signed by Ms. Cox and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow the standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.
 12. She hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.
 13. All provisions and conditions of this order shall carry over to any license(s)/privilege to practice/credential in Kentucky that she receives, including pursuant to any multistate nursing licensure compact with the Board.
 14. Removal of the nursing license(s)/privilege to practice/credential from active discipline will depend on compliance with all terms and conditions stated in this order. If all terms and conditions met, and if she has not committed any act prior to completion of all requirements stated in this Agreed Order that would be grounds for disciplinary action,

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pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared.

15. Even after all requirements of this Agreed Order have been met, Ms. Cox may be restricted to a single state license pursuant to the Nurse Licensure Compact provisions applicable to felonies, practice-related misdemeanors, or uncleared disciplinary action.



Kim Brewer Cox

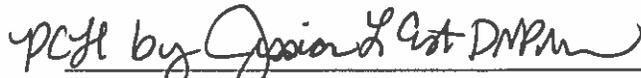
Subscribed and Sworn to before me this 20th day of
June, 2019 by Kim Brewer Cox.

Notary Public Lori A. Koretski
State of Ky
My Commission expires 5/10/2020

Lori A. Koretski
Notary Public, ID No. 556794
State at Large, Kentucky
My Commission Expires 5/10/2020

SEAL

(BOARD SEAL)



PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on
June 28, 2019.

REC'D

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Attachment #3

114-06-19

JUN 24 2019

KENTUCKY BOARD OF NURSING

KBN

AGREED ORDER

CASE #'s 2018-1526 & 2019-1066

IN RE: MISTY NICOLE BIRDSONG

**LPN LICENSE # 2050159
(ITS 8/31/2018)**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Misty Nicole Birdsong has violated KRS Chapter 314. Misty Nicole Birdsong, hereinafter referred to as Ms. Birdsong, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Birdsong agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

On June 7, 2018, the Board received a consumer complaint indicating that Ms. Birdsong was treated as a patient with health complications due to intravenous drug use.

The Board determined that there was reasonable cause to believe Ms. Birdsong was unable to practice nursing with reasonable skill and safety. An Immediate Temporary Suspension (ITS) of Ms. Birdsong's licensed practical nurse license was issued on August 31, 2018, in order to protect the public.

Ms. Birdsong admitted in her letter of explanation, received January 15, 2019, to using intravenous morphine for several months.

On January 15, 2019, Ms. Birdsong attended an investigative meeting at the Board office and stated she had been using morphine for approximately two (2) months to help her sleep after working night shifts, approximately three (3) times per week. Ms. Birdsong admitted to possibly having worked while under the influence. Ms. Birdsong denies diversion from her workplace, Signature HealthCARE, Louisville, Kentucky. Ms. Birdsong stated that she worked as a licensed practical nurse at Signature HealthCARE from September 1, 2018, through October 13, 2018, without a current active nursing license. On October 15, 2018, her employment was terminated for working without a valid licensed practical nurse license.

On February 25, 2019, Board staff received verification from Signature HealthCARE that Ms. Birdsong's last day worked was October 13, 2018. Board staff filed an administrative complaint, case number 2019-1066, regarding Ms. Birdsong's employment without a current active nursing license.

The Board acknowledges receipt of the following: Ms. Birdsong's in-patient medical record on August 22, 2018; and a mental health/substance use disorder evaluation from Ann Minch, Louisville, Kentucky on December 27, 2018, indicating a low probability of

**Agreed Order
Misty Nicole Birdsong
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substance use disorder and recommending completion of an alcohol/drug education class.

Ms. Birdsong acknowledges these actions are in violation of KRS 314.091(1).

The Board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:...

- (d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

- (f) abuses controlled substances, prescription medications, illegal substances, or alcohol;

* * *

- (j) has violated any of the provisions of this chapter; [and]

* * *

- (p) has used or been impaired as a consequence of the use of alcohol or drugs while practicing as a nurse.

Ms. Birdsong has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. Ms. Birdsong understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. Evidence that Ms. Birdsong has committed any violation of KRS Chapter 314 during the period of suspension will be considered at the time of her application for reinstatement of the nursing license(s)/credential and may be grounds for additional disciplinary action.

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Misty Nicole Birdsong
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3. All terms of the Agreed Order will begin immediately upon processing of the application for licensure. She will not be eligible for a multistate license during the period of monitoring, and until authorized pursuant to the Nurse Licensure Compact.
4. When this Agreed Order becomes effective, Ms. Birdsong's nursing license(s)/credential will be placed on limited/probated status for a period of at least two (2) years of employment as a licensed practical nurse.
5. The period of limitation/probation will continue until she has been employed as a licensed practical nurse for a period of at least two (2) years, and until all other terms of this order are satisfied.
6. Periods of time in which Ms. Birdsong is not employed as a licensed practical nurse will be excluded from the computation of probationary time.
7. Employment in fields other than nursing or a period of unemployment does not relieve her of compliance with all other terms and conditions of this order.
8. While on limitation/probation Ms. Birdsong:
 - a) agrees to maintain current nursing license(s)/credential in Kentucky or another jurisdiction while under the terms of this order, and acknowledges that the inability to obtain a license in another jurisdiction may subject her to additional disciplinary action;
 - b) agrees not to practice nursing in any other state which is a party to the Nurse Licensure Compact without obtaining a single state license from the nursing regulatory authority in the party state in which she wishes to practice;
 - c) agrees to notify Board staff in writing within fourteen (14) days if she applies for nursing licensure in another jurisdiction;
 - d) may not be employed in a nursing position that requires her to provide direct patient care in the following settings: private duty, nurse registry, temporary nurse employment agency, or home health care;
 - e) may not be scheduled to work more than eighty-eight (88) hours per two-week period. The nursing position may be a full-time or a part-time position but must require her to work at least thirty-two (32) hours per month;
 - f) will provide a complete copy of this order to all potential nursing employers including, but not limited to, nursing recruiters or human resources staff during the interview process;

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- g) will provide a complete copy of this order to her immediate nursing manager or supervisor and will have the nursing manager or supervisor acknowledge to Board staff in writing that she has provided them a copy of this order within fourteen (14) days. She will have the nursing manager or supervisor discuss the terms of this order with Board staff within fourteen (14) days of employment. She will notify Board staff in writing if there is a change of nursing managers or supervisors;
- h) will provide a complete copy of this order to her counselor, and will have the counselor acknowledge to Board staff in writing that she has provided them a copy of this order within sixty (60) days, if applicable;
- i) will provide a complete copy of this order to her probation/parole officer, and will have the probation/parole officer acknowledge to Board staff in writing that she has provided them a copy of this order within sixty (60) days, if applicable;
- j) will provide a complete copy of this order immediately to the program of nursing administration, if enrolled in such, and will have the program acknowledge to Board staff in writing that she has provided the school with a complete copy of the order within sixty (60) days;
- k) may not work without, and will provide any and all patient care, only if a registered nurse or physician with an unencumbered license is physically present on the facility grounds and readily available to provide assistance and intervention if necessary during the full term of practice on limited/probated status;
- l) will not have access to, be responsible for, or administer controlled substances during the first six (6) months of practice on limited/probated status;
- m) will prepare, administer, and document administration of controlled substances only under the on-site supervision of a registered nurse or physician with an unencumbered license during the during the remainder eighteen (18) months of practice on limited/probated status;
- n) may not be employed in a managerial or supervisory position during the two (2) years of practice on limited/probated status;
- o) will have written reports submitted by her nursing employer(s), as determined by Board staff. Report forms will be made available for this purpose. The employer(s) will verify Ms. Birdsong's compliance with each practice limitation on each report;
- p) will have written reports submitted by her therapeutic counselor(s) or primary therapist of compliance with recommendations stated herein, until

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Misty Nicole Birdsong
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- documented release from counseling, as determined by Board staff, if applicable;
- q) will have written reports submitted by her health care practitioner(s) with current plan of treatment, pain management agreement, medication assisted treatment, and controlled substance agreements, including compliance, and her ability to continue in nursing practice, as determined by Board staff, if applicable;
 - r) will have written reports submitted by her program of nursing, as determined by Board staff, if applicable;
 - s) will have written reports submitted by her probation/parole officer, if a criminal conviction is entered, until documented release from probation/parole/diversion, as determined by Board staff, unless the probation/parole officer specifically advises Board staff of his or her refusal to provide written reports, in which case verbal reports shall be accepted;
 - t) agrees that an employer report of substantiated unsafe nursing practice, noncompliance with any of the limitations placed on her practice, evidence of substance abuse, a counselor's or primary therapist's report of noncompliance with the therapeutic plan of care, or a report of noncompliance with court ordered probation or diversion constitutes evidence of a violation of the terms of this order;
 - u) will submit verification, as determined by Board staff, of attendance at least two (2) times weekly at a 12-step program support group;
 - v) agrees to have at least twice (2) weekly contact with her sponsor, and provide verification as determined by Board staff;
 - w) will submit random biological materials for drug/alcohol testing utilizing the drug screening program designated by the Board and as requested by her employer(s), Board staff, counselor(s), or therapist(s) until notified in writing by the Board that all requirements set forth in this agreement have been satisfied. Ms. Birdsong will register with the drug screening program within fifteen (15) days of the effective date of this order and comply with all requirements of the drug screening program concerning random alcohol and drug testing. All testing will be at Ms. Birdsong's expense. A GC/MS (gas chromatography/mass spectrometry) or LC/MS (liquid chromatography/mass spectrometry) confirmed drug screen indicating the ingestion, inhalation, or absorption of any non-prescribed mood-altering substance, alcohol, poppy seeds, hemp, or cannabidiol (CBD) products constitutes evidence of violation of the terms of this order. She agrees and understands that hand sanitizer,

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Misty Nicole Birdsong
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lotions, cosmetics, and over-the-counter liquids and syrups contain ethyl alcohol, unless the packaging materials include the words "alcohol-free";

- x) will remain free of all mood-altering substances, alcohol, over-the-counter medications containing alcohol, poppy seeds, hemp, or cannabidiol (CBD) products until notified in writing by the Board that all requirements set forth in this Agreed Order have been satisfied. If Ms. Birdsong is prescribed any mood-altering medications, such use is permitted, and it is her responsibility to ensure the prescribing practitioner has full knowledge of her history of substance/alcohol use. She must obtain from the prescribing practitioner written verification of all recommended, dispensed, or prescribed medications and submit to Board staff within five (5) days. Report forms will be made available for this purpose. A consultation with an advanced practice registered nurse who specializes in substance use disorder, a physician who specializes in substance use disorder, or a physician addictionologist may be required;
- y) will submit to Board staff, upon request, a list of the health care practitioners who are providing health care to her and who are prescribing any medication for her use, including a list of all medications, including over the counter medications;
- z) will meet with Board staff in the Kentucky Board of Nursing office or at a designated location as requested. Board staff will determine the frequency of the meetings and Ms. Birdsong will abide by that determination;
- aa) will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220 on Substance Use Disorder within six (6) months of the effective date of this order. The thirty (30) contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s);
- bb) will pay a civil penalty of one thousand eight hundred dollars (\$1800) to the Board by December 31, 2020;
- cc) will notify Board staff in writing of any change of name, address, nursing employment, termination of employment as a nurse, or expulsion from a program of nursing within fifteen (15) days of the event;
- dd) will notify Board staff in writing of any change in probation/parole officer or therapist/counselor within fifteen (15) days of the event, if applicable;
- ee) will notify Board staff in writing of any disciplinary action, pending investigation, admission into a monitoring program, or noncompliance issues related to monitoring in another jurisdiction within fifteen (15) days of the event; [and]

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**Agreed Order
Misty Nicole Birdsong
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- ff) will notify Board staff in writing of any criminal arrest, charge, pretrial diversion, indictment, guilty plea, or conviction within fifteen (15) days of the event.
8. Submission of fraudulent documents or reports; misrepresentation of facts relating to the terms and conditions of this order; any violation of state or federal law that endangered any person; or failure or inability to comply with any requirement of this order within ninety-six (96) months will constitute violation of the order.
9. Ms. Birdsong agrees and acknowledges that she may make a written request for voluntary surrender of the nursing license(s)/credential during the period of time she is on limitation/probation, indicating that she is unable to comply with the terms and conditions of the order. Any written request for voluntary surrender will subject Ms. Birdsong to additional disciplinary action pursuant to the terms of this order. The voluntary surrender will begin upon entry of the order and will continue for a period of at least two (2) years. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
10. Ms. Birdsong agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Ms. Birdsong has violated this Agreed Order, notice of intent to suspend/deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Birdsong in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing, and will result in suspension or denial of reinstatement, with notification by mail. The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue for a period of at least two (2) years. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
11. Removal of the nursing license(s)/credential from limitation/probation will depend on compliance with all terms and conditions stated in this order. If all terms are met, and if she has not committed any act during the limited/probated period that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous disciplinary action cleared. Even after all requirements of this Agreed Order have been met, Ms.

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**Agreed Order
Misty Nicole Birdsong
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Birdsong may be restricted to a single state license pursuant to the Nurse Licensure Compact provisions applicable to felonies, practice-related misdemeanors, or uncleared disciplinary actions.

12. This Agreed Order, when signed by Ms. Birdsong and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.

13. Ms. Birdsong hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.

14. All provisions and conditions of this order shall carry over to any nursing license(s)/credential in Kentucky that she receives, including pursuant to any multistate nursing licensure compact with the Board.

Misty Nicole Birdsong
Misty Nicole Birdsong

Subscribed and Sworn to before me this 19th day of June, 2019 by Misty Nicole Birdsong.

Notary Public Leidyana C. Brewer
State of Kentucky

My Commission expires Nov 21, 2020

~~Notary Public, State at Large, KY
My commission expires Nov. 21, 2020~~



PCH by Pamela C. Hagan, Esq. DMD Executive Director
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

(BOARD SEAL)

Agreed to and entered by the Board on June 28, 2019.

RECD

JUN 24 2019

KBN

KENTUCKY BOARD OF NURSING

**AGREED ORDER
CASE # 2018-0962**

IN RE: MARK JEFFREY ADKINS

**RN LICENSE # 1118455
APRN LICENSE # 3005798**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Mark Jeffrey Adkins has violated KRS Chapter 314. Mark Jeffrey Adkins, hereinafter referred to as Mr. Adkins, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Mr. Adkins agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

Information was received in the Board office on February 15, 2018, from the Office of Inspector General (OIG), Frankfort, Kentucky, indicating Mr. Adkins is an advanced practice registered nurse (APRN) employed by Slim & Tim Weight Loss Clinic, South Shore, Kentucky. The OIG report was concerned with the number of patients seen in a short period of time, that patients were from out of state, and that Phentermine, a Schedule IV controlled substance was being dispensed from office stock.

On March 9, 2018, an administrative complaint was entered against Mr. Adkins and requested he provide twenty-six (26) complete patient charts. The complaint also alleged that Mr. Adkins' dispensing practices violate the prohibition on APRN dispensing of controlled substances.

An expert witness reviewed all patient records that were submitted by Mr. Adkins. The findings of the report indicated that the medical records were illegible, lab values were sparse, no behavioral counseling recommendations were noted, there was an overall lack of individual care planning for patients, and the prescribing of Phentermine was excessive and beyond its intended short term use.

On March 4, 2019, during an investigative meeting at the Board office, Mr. Adkins agreed with aspects of the expert witness report. Mr. Adkins has encouraged the practice to implement electronic medical records and stated the practice had made changes to reflect improvements based on the expert report. The physicians with whom employ Mr. Adkins verified that he does not dispense any controlled substances from office stock, and that, since receiving the complaint, a physician has been making all decisions regarding dispensing of controlled substances.

The Board acknowledges receipt of the following: Kentucky All Scheduled Prescriber Electronic Report dated February 26, 2016, - February 26, 2018; pertinent patient medical records; a response to the complaint from Mr. Adkins' attorney on his behalf on April 11, 2018; expert witness report December 14, 2018; and a response from Mr. Adkins'

Agreed Order
Mark Jeffrey Adkins
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attorney on his behalf February 25, 2019, which included two (2) letters of recommendation from physicians.

Mr. Adkins acknowledges these actions are in violation of KRS 314.091(1).

The Board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:...

* * *

- (d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

- (h) has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records;

* * *

- (j) has violated any of the provisions of this chapter; [including 314.011(8) and 314.021(2)]; [and]

* * *

- (l) has violated any administrative regulation promulgated by the Board [including 201 KAR 20:057].

Mr. Adkins has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. Mr. Adkins understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, he waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against him.
2. All terms of the Agreed Order will begin immediately upon entry of this Agreed Order.
3. A reprimand is issued by the Board, which expresses concern regarding the seriousness of his inappropriate prescribing actions.
4. He will pay a civil penalty of one thousand dollars (\$1,000) to the Board within six (6) months of the effective date of this Agreed Order.

Agreed Order
Mark Jeffrey Adkins
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5. He will provide evidence of successful completion of the course entitled "Prescribing Controlled Drugs" offered by The Center for Professional Health at Vanderbilt University Health Center, Nashville, Tennessee, telephone number (615) 936-0678 within six (6) months of the effective date of this Agreed Order.
6. He will provide evidence of successful completion of the course entitled, "Medical Record Keeping" offered by The Center for Personalized Education for Physicians, Denver, Colorado, telephone number (303) 577-3232, within six (6) months of the effective date of this Agreed Order.
7. Until notified in writing by the Board that the requirements set forth in this Agreed Order have been satisfied, he will notify Board staff in writing within fifteen (15) days of any of the following occurrences: any pending disciplinary action related to any professional license or credential by any other jurisdiction; any pending investigation related to any professional license or credential by any other jurisdiction; admission into a monitoring program; any non-compliance issue related to monitoring related to any professional license or credential by any other jurisdiction; any criminal arrest; any misdemeanor or felony charge; entry into any pretrial diversion agreement; any criminal indictment; any guilty plea in a misdemeanor or felony case; or any misdemeanor or felony conviction.
8. Submission of fraudulent documents or reports, misrepresentation of facts relating to the conditions of this order, any violation of state or federal law that endangered any person or failure to comply with any requirement of this order will constitute violation of the order.
9. Mr. Adkins agrees and acknowledges that he may make a written request for voluntary surrender of the nursing license(s)/privilege to practice/credential during the period of time he is on monitoring, indicating that he is unable to comply with the terms and conditions of the Agreed Order. Any written request for voluntary surrender will subject Mr. Adkins to additional disciplinary action pursuant to the terms of this Agreed Order. The voluntary surrender will begin upon entry of the order and will continue until all requirements of this Agreed Order have been met. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/privilege to practice/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
10. Mr. Adkins agrees and acknowledges that his failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/privilege to practice/credential or denial of reinstatement of a lapsed, invalidated, or expired license(s)/privilege to practice/credential. Should Board staff determine that Mr. Adkins has violated this Agreed Order, notice of intent to suspend or deny reinstatement will be issued to him. From the date this notice is mailed to Mr. Adkins in accordance with KRS 314.107, he shall have twenty (20)

Agreed Order
Mark Jeffrey Adkins
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calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing and will result in suspension or denial of reinstatement with notification by mail. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue until all requirements of this Agreed Order have been met. Reinstatement of the license(s)/privilege to practice/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.

11. This Agreed Order, when signed by Mr. Adkins and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow the standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.
12. He hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.
13. All provisions and conditions of this order shall carry over to any license(s)/privilege to practice/credential in Kentucky that he receives, including pursuant to any multistate nursing licensure compact with the Board.
14. Removal of the nursing license(s)/privilege to practice/credential from active discipline will depend on compliance with all terms and conditions stated in this order. If all terms and conditions met, and if he has not committed any act prior to completion of all requirements stated in this Agreed Order that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous disciplinary action cleared.

Agreed Order
Mark Jeffrey Adkins
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Mark Jeffrey Adkins
Mark Jeffrey Adkins

Subscribed and Sworn to before me this 22 day of
June, 2019 by Mark Jeffrey Adkins.

Notary Public Mark Jeffrey Adkins
State of West Virginia
My Commission expires 12-7-2022



(BOARD SEAL)

PCH by Pamela C. Hagan
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on
June 28, 2019.

**KENTUCKY BOARD OF NURSING
CONSUMER PROTECTION COMMITTEE
AGREED ORDER AUDIT (APRIL 1, 2019 - June 31, 2019)**

NAME	LICENSE	INV
Lorri A. Livers Houck	RN License 1054311 APRN License 3006993	Lisa Dunsmore
Penny Lowe Eaton	LPN License 2045427	Pamela Chrissy Blazer
Carrie Lee Blair Valentine	LPN License 2041946	Bonnie Fenwick
Danny Wayne Waddell	RN License 1099583 APRN License 3005716	Lisa Dunsmore
Shari Lynne Arduino	LPN License 2041390	Lisa Dunsmore
Heather Marie Fischer-Bryant	RN License 1148748	Bonnie Fenwick
Krista Davis	RN License 1146696	Denise Vititoe
Teresa R. Layne Moore	RN License 1068139	Denise Vititoe
Kim Brewer Cox	RN License 1057798; APRN License 3003257	Pamela Chrissy Blazer
Misty Nicole Birdsong	LPN License 2050159	Susan Lawson
Mark Jeffrey Adkins	RN License 1118455; APRN License 3005798	Pamela Chrissy Blazer

REC'D

KENTUCKY BOARD OF NURSING

MAR 27 2019

AGREED ORDER
CASE #'s 2018-1042, & 2018-1051

KBN

IN RE: LORRI A. LIVERS HOUCK

RN LICENSE # 1054311
APRN LICENSE # 3006993

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Lorri A. Livers Houck has violated KRS Chapter 314. Lorri A. Livers Houck, hereinafter referred to as Ms. Livers Houck, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Livers Houck agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

On March 9, 2018, a consumer complaint was received from a former patient of Ms. Livers Houck seeking to obtain her medical records and requesting Ms. Livers Houck complete a form related to a claim for disability benefits. On March 12, 2018, a review of Ms. Livers Houck's Kentucky All Scheduled Prescription Electronic Report (KASPER) data indicated Ms. Livers Houck authorized multiple controlled substance prescriptions for a supply in excess of her prescribing limits as an advanced practice registered nurse. Further, it was noted that Ms. Livers Houck failed to provide a copy of her Collaborative Agreement for Prescriptive Authority for Controlled Substances (CAPA-CS) agreement(s) to the Board as required. Ms. Livers Houck issued seven (7) unlawful refill prescriptions for controlled substances, including one (1) benzodiazepine and six (6) stimulants. Ms. Livers Houck acknowledged her errors and reported she has changed her practice accordingly. She also provided copies of her CAPA-CS agreements and documentation of resolution in regards to the consumer complaint.

The Board acknowledges receipt of the following: a letter of response to the Board initiated complaint, including copies of Ms. Livers Houck's CAPA-CS agreements on April 30, 2018; medical records for three (3) patients received on December 12, 2018; and a letter of response to the consumer complaint on June 15, 2019.

Ms. Livers Houck acknowledges these actions are in violation of KRS 314.091(1).

The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:...

* * *

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Lorri A. Livers Houck
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(d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

(h) has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records;

* * *

(j) has violated any of the provisions of this chapter [including KRS 314.011(8) and 314.021(2)]; [and]

* * *

(l) has violated any administrative regulation promulgated by the board [including 201 KAR20:059];

Ms. Livers Houck has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. Ms. Livers Houck understands and agrees to the following conditions for the limited purpose of this Agreed Order:

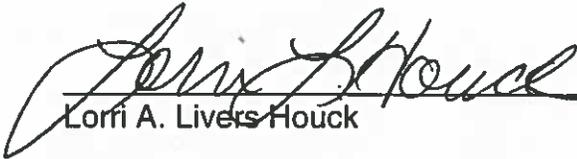
1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. All terms of the Agreed Order will begin immediately upon entry of this Agreed Order.
3. A reprimand is issued by the Board, which expresses concern regarding the seriousness of her inappropriate prescribing practices.
4. She will pay a civil penalty of one thousand dollars (\$1000) to the Board within six (6) months of the effective date of this Agreed Order.
5. She will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220 on Advanced Practice Registered Nurse Prescribing within six (6) months of the effective date of this Agreed Order. The thirty (30) contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s)/privilege to practice/credential.
6. Until notified in writing by the Board that the requirements set forth in this Agreed Order have been satisfied, she will notify Board staff in writing within fifteen (15) days of any of the following occurrences: any pending disciplinary action related to any professional license or credential by any other jurisdiction; any pending investigation

related to any professional license or credential by any other jurisdiction; admission into a monitoring program; any non-compliance issue related to monitoring related to any professional license or credential by any other jurisdiction; any criminal arrest; any misdemeanor or felony charge; entry into any pretrial diversion agreement; any criminal indictment; any guilty plea in a misdemeanor or felony case; or any misdemeanor or felony conviction.

7. Submission of fraudulent documents or reports, misrepresentation of facts relating to the conditions of this order, any violation of state or federal law that endangered any person or failure to comply with any requirement of this order will constitute violation of the order.
8. Ms. Livers Houck agrees and acknowledges that she may make a written request for voluntary surrender of the nursing license(s)/privilege to practice/credential during the period of time she is on monitoring, indicating that she is unable to comply with the terms and conditions of the Agreed Order. Any written request for voluntary surrender will subject Ms. Livers Houck to additional disciplinary action pursuant to the terms of this Agreed Order. The voluntary surrender will begin upon entry of the order and will continue until all requirements of this Agreed Order have been met. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/privilege to practice/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
9. Ms. Livers Houck agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/privilege to practice/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Ms. Livers Houck has violated this Agreed Order, notice of intent to suspend or deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Livers Houck in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing and will result in suspension or denial of reinstatement with notification by mail. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). The suspension or denial of reinstatement will begin on the date of the notification letter and will continue until all requirements of this Agreed Order have been met. Reinstatement of the nursing license(s)/privilege to practice/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
10. This Agreed Order, when signed by Ms. Livers Houck and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any

other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow the standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.

11. She hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.
12. All provisions and conditions of this order shall carry over to any license(s)/privilege to practice/credential in Kentucky that she receives, including pursuant to any multistate nursing licensure compact with the Board.
13. Removal of the nursing license(s)/privilege to practice/credential from active discipline will depend on compliance with all terms and conditions stated in this order. If all terms and conditions met, and if she has not committed any act prior to completion of all requirements stated in this Agreed Order that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared.


Lorri A. Livers Houck

Subscribed and Sworn to before me this 25th day of
March, 2019 by Lorri A. Livers Houck.

REC'D

MAR 27 2019

KBN

Notary Public Erin Lockett

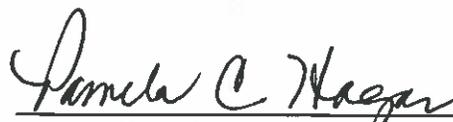
State of Kentucky

My Commission expires 4/28/21

SEAL



(BOARD SEAL)


PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed Order
Lorri A. Livers Houck
Page 5 of 5

Agreed to and entered by the Board on April 1, 2019.

REC'D

MAR 27 2019

KBN

KENTUCKY BOARD OF NURSING**AGREED ORDER
CASE #'s 2018-1272 & 2018-1679****IN RE: PENNY LOWE EATON****LPN LICENSE # 2045427
(EXPIRED 04/18/2018)**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Penny Lowe Eaton has violated KRS Chapter 314. Penny Lowe Eaton, hereinafter referred to as Ms. Eaton, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Eaton agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

Ms. Eaton submitted a reinstatement application on April 22, 2018, for her licensed practical nurse license after her license had been temporarily suspended for a bad debit transaction to the Board on April 18, 2018. She answered "Yes" to the question, "Do you have a current investigation pending on your nursing license, other professional license/certification or your privilege to practice in any state(s)/jurisdiction(s) other than the KBN?" Ms. Eaton acknowledged in her letter of explanation that she failed to submit her required continuing education competency hours to the West Virginia State Board of Examiners (WVSBOE) and was under investigation. Ms. Eaton entered a final Consent Agreement with the WVSBOE on August 9, 2018.

Ms. Eaton acknowledged in her letter of explanation dated December 16, 2018, that she failed to acquire the required fourteen (14) continuing education competency hours needed for her Kentucky licensure during the appropriate earning period of November 1, 2016 through October 31, 2017.

The Board acknowledges receipt of the following: a letter of explanation from Ms. Eaton on June 7, 2018 regarding her pending investigation with the WVSBOE; a copy of the disciplinary order for a Consent Agreement from the WVSBOE received on August 14, 2018 from Ms. Eaton; and a letter of explanation along with fifteen (15) continuing education competency hours entitled, "Leadership and Management Essentials for Nurses" from Ms. Eaton on December 16, 2018.

Ms. Eaton acknowledges these actions are in violation of KRS 314.091(1).

The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder,

**Agreed Order
Penny Lowe Eaton
Page 2 of 4**

privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:

* * *

(a) is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing;

* * *

(d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

(h) has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records; [and]

* * *

(j) has violated any of the provisions of this chapter.

Ms. Eaton has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. Ms. Eaton understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. All terms of the Agreed Order will begin immediately upon processing the application for licensure.
3. A reprimand is issued by the Board, which expresses concern regarding the seriousness of her actions in not earning her continuing education competency hours during the appropriate time frame.
4. She agrees to maintain current nursing license(s)/privilege to practice/credential in Kentucky or another jurisdiction while under the terms of this Order, and acknowledges that the inability to obtain a license in another jurisdiction may subject her to additional disciplinary action.
5. She will pay a civil penalty of five hundred dollars (\$500) to the Board by July 31, 2019.
6. She will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220 on Legal/Ethical Issues by July 31, 2019. The thirty (30) contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s)/privilege to practice/credential.

7. Until notified in writing by the Board that the requirements set forth in this Agreed Order have been satisfied, she will notify Board staff in writing within fifteen (15) days of any of the following occurrences: any disciplinary action related to any professional license or credential by any other jurisdiction; any pending investigation related to any professional license or credential by any other jurisdiction; admission into a monitoring program; any non-compliance issue related to monitoring conducted related to any professional license or credential by any other jurisdiction; any criminal arrest; any misdemeanor or felony charge; entry into any pretrial diversion agreement; any criminal indictment; any guilty plea in a misdemeanor or felony case; or any misdemeanor or felony conviction.
8. Submission of fraudulent documents or reports, misrepresentation of facts relating to the conditions of this Order, any violation of state or federal law that endangered any person or failure to comply with any requirement of this Order will constitute violation of the Order.
9. Ms. Eaton agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/privilege to practice/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Ms. Eaton has violated this Agreed Order, notice of intent to suspend or deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Eaton in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing and will result in suspension or denial of reinstatement with notification by mail. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). The suspension or denial of reinstatement will begin on the date of the notification letter and will continue for at least one (1) year and until all requirements of this Agreed Order have been met. Reinstatement of the nursing license(s)/privilege to practice/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this Order.
10. This Agreed Order, when signed by Ms. Eaton and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow the standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.

Agreed Order
Penny Lowe Eaton
Page 4 of 4

11. She hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.
12. All provisions and conditions of this Order shall carry over to any license or privilege to practice nursing in Kentucky that she receives, including pursuant to any multi-state nursing licensure compact with the Board
13. Removal of the nursing license(s)/privilege to practice/credential from active discipline will depend on compliance with all terms and conditions stated in this Order. If all terms and conditions met, and if she has not committed any act prior to completion of all requirements stated in this Agreed Order that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared.

Penny Lowe Eaton
Penny Lowe Eaton

Subscribed and Sworn to before me this 11th day of April, 2019 by Penny Lowe Eaton.

Notary Public Josh Blum
State of Kentucky
My Commission expires 1/22/2023

SEAL

(BOARD SEAL)

Pamela C. Hagan
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on
April 22, 2019.

**KENTUCKY BOARD OF NURSING
AGREED ORDER FOR VOLUNTARY SURRENDER
CASE # 2019-0900**

IN RE: CARRIE LEE BLAIR VALENTINE

**LPN LICENSE # 2041946
(ITS 04/12/2019)**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that I have committed violations of KRS Chapter 314, including KRS 314.091(1)(d,f,g,h,j) and KRS 314.021(2). I admit to drug diversion while employed as a licensed practical nurse at Kenton County Detention Center, Independence, Kentucky. My nursing license was immediately temporarily suspended on April 4, 2019, in order to protect the public. I understand that I have the right of hearing and appeal as authorized by statute. This right includes the right to be present with counsel, the right to subpoena and confront witnesses, and the right to appeal the decision as entered by the Board. I knowingly waive these rights by entering into this Agreed Order with the Board.

By signing this Agreed Order, I voluntarily surrender my nursing license(s)/credential for a period of at least two (2) years and I relinquish all right, title and privilege of practicing as a nurse in the Commonwealth of Kentucky until my license is reinstated.

I understand I must make a written request for consideration for reinstatement of my nursing license(s)/credential after the period of voluntary surrender. I understand that I must complete the Board Guidelines for Requesting Reinstatement of a Voluntarily Surrendered License prior to making a written request. I understand that reinstatement will be pursuant to an Agreed Order or an Administrative Hearing. I also understand that I will be required to pay a civil penalty of one thousand, two hundred dollars (\$1,200), in addition to any other monies due the Board, prior to application for reinstatement of the nursing license(s)/credential.

It is further noted my conduct demonstrates a violation of KRS Chapter 218A. Prior to application for reinstatement, I will pay an additional civil penalty of five hundred dollars (\$500) to the Board in accordance with KRS 218A.290, for a total civil penalty payment of one thousand, seven hundred dollars (\$1,700).

This Agreed Order shall be effective and binding on me and the Kentucky Board of Nursing immediately when signed by both parties, and shall be considered public information that can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required.

I hereby release the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.

All provisions and conditions of this order shall carry over to any license(s)/credential in Kentucky that I receive, including pursuant to any multistate nursing licensure compact with the Board.

REC'D

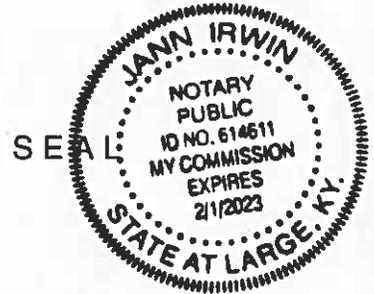
MAY 10 2019

KBN

Carrie Lee Blair Valentine
Carrie Lee Blair Valentine

Subscribed and Sworn to before me this 15th day of
May, 2019 by Carrie Lee Blair Valentine.

Notary Public Jann Irwin
State of Kentucky
My Commission expires 2/1/2023



(BOARD SEAL)

Pamela C. Hagan
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on
May 15, 2019.

REC'D

MAY 10 2019

KBN

KENTUCKY BOARD OF NURSING

AGREED ORDER
CASE # 2019-0188

IN RE: DANNY WAYNE WADDELL

RN LICENSE # 1099583
(ITS 10/17/2018)
APRN LICENSE # 3005716
(ITS 10/17/2018)

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Danny Wayne Waddell has violated KRS Chapter 314. Danny Wayne Waddell, hereinafter referred to as Mr. Waddell, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Mr. Waddell agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

On September 4, 2018, Board staff received a consumer complaint in which it was reported that Mr. Waddell was charged on March 15, 2018 in Rockcastle County, Kentucky, with the following pending charges:

- 
- Operating Motor Vehicle Under the Influence of Alcohol/Drugs/Etc., 1st Offense (a Class B Misdemeanor);
 - Resisting Arrest (a Class A Misdemeanor);
 - Attempted Disarming of a Peace Officer (a Class B Misdemeanor);
 - Menacing (a Class B Misdemeanor);
 - ~~Terroristic Threatening, 3rd Degree, one (1) count (a Class A Misdemeanor); and~~
 - Criminal Mischief, 2nd Degree (a Class A Misdemeanor).

In a letter of explanation received in the Board office on October 23, 2018, Mr. Waddell reported that after a stressful period at work, he went out with a friend for some alcoholic drinks. He reported that after two (2) drinks, he started having an episode of alcohol-related amnesia, which he presumed to be a result of an interaction between alcohol and medication he has been on for the treatment of PTSD. Mr. Waddell acknowledged this occurrence to be a relapse, because he had received treatment in September 2016 for alcohol use disorder, and he had remained abstinent from alcohol from the beginning of the treatment in 2016 until March 15, 2018. Mr. Waddell reported he had no recollection of his arrest or the events thereafter; however, records indicate that during booking at the Rockcastle

PW

County Jail, he seriously injured a correctional officer. On October 17, 2018, the Board issued an order for immediate temporary suspension of his nursing licenses in order to protect the public.

During an investigative meeting held at the Board office on October 29, 2018, Mr. Waddell admitted to purchasing a bottle of alcohol on March 15, 2018, to consume at home.

Personal medical records received in the Board office on October 29, 2018, from Mr. Waddell documented a blood ethanol level of 173.0 mg/dl on March 16, 2018, at 3:36AM at Fockcastle Regional Hospital, Mt. Vernon, Kentucky, after his arrest.

The Board acknowledges receipt of the following: a letter of explanation from Mr. Waddell and five (5) letters of recommendation from Mr. Waddell's peers, received on October 23, 2018; a mental health/substance use disorder evaluation, received on October 25, 2018, from Mindsight Behavioral Group, Somerset, Kentucky, indicating a substance use disorder and recommending continued therapy with his current counselor at Kentucky Counseling Center to work on potential for relapse due to his history of abuse of alcohol and recent relapse in less than 12 months; a report from Mr. Waddell's counselor, received on October 26, 2018; medical records for Mr. Waddell received on October 29, 2018; and an update from Mr. Waddell's counselor, received on February 15, 2019.

Mr. Waddell acknowledges these actions are in violation of KRS 314.091(1).

The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:

- (d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

- (f) abuses controlled substances, prescription medications, illegal substances, or alcohol; [and]

- (i) has violated any of the provisions of this chapter [including 314.021(2)].

Danny Wayne Waddell
Agreed Order
Page 3 of 9

Mr. Waddell has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. Mr. Waddell understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, he waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against him.
2. Evidence that Mr. Waddell has committed any violation of KRS Chapter 314 during the period of suspension will be considered at the time of his application for reinstatement of the nursing license(s)/credential and may be grounds for additional disciplinary action.
3. All terms of the Agreed Order will begin immediately upon processing of the application for licensure. He will not be eligible for a multistate license during the period of monitoring, and until authorized pursuant to the Nurse Licensure Compact.
4. When this Agreed Order becomes effective, Mr. Waddell's nursing license(s)/credential will be placed on limited/probated status for a period of at least two (2) years of employment as an advanced practice registered nurse.
5. The period of limitation/probation will continue until he has been employed as an advanced practice registered nurse for a period of at least two (2) years, and until all other terms of this order are satisfied.
6. Periods of time in which Mr. Waddell is not employed as an advanced practice registered nurse will be excluded from the computation of probationary time.
7. Employment in fields other than as an advanced practice registered nurse or a period of unemployment does not relieve him of compliance with all other terms and conditions of this order.
8. While on limitation/probation Mr. Waddell:
 - a) agrees to maintain current nursing license(s)/credential in Kentucky or another jurisdiction while under the terms of this order, and acknowledges that the inability to obtain a license in another jurisdiction may subject him to additional disciplinary action;
 - b) agrees not to practice nursing in any other state which is a party to the Nurse Licensure Compact without obtaining a single state license from the nursing regulatory authority in the party state in which he wishes to practice;



- c) agrees to notify Board staff in writing within fourteen (14) days if he applies for nursing licensure in another jurisdiction;
- d) may not be employed in a nursing position that requires him to provide direct patient care in the following settings: private duty, nurse registry, temporary nurse employment agency, or home health care;
- e) may not be scheduled to work more than eighty-eight (88) hours per two-week period. The nursing position may be a full-time or a part-time position but must require him to work at least thirty-two (32) hours per month;
- f) will provide a complete copy of this order to all potential nursing employers including, but not limited to, nursing recruiters or human resources staff during the interview process;
- g) will provide a complete copy of this order to his immediate nursing manager or supervisor and will have the nursing manager or supervisor acknowledge to Board staff in writing that he has provided them a copy of this order within fourteen (14) days. He will have the nursing manager or supervisor discuss the terms of this order with Board staff within fourteen (14) days of employment. He will notify Board staff in writing if there is a change of nursing managers or supervisors;
- h) will provide a complete copy of this order to his counselor, and will have the counselor acknowledge to Board staff in writing that he has provided them a copy of this order within sixty (60) days, if applicable;
- i) will provide a complete copy of this order to his probation/parole officer, and will have the probation/parole officer acknowledge to Board staff in writing that he has provided them a copy of this order within sixty (60) days, if applicable;
- j) will provide a complete copy of this order immediately to the program of nursing administration, if enrolled in such, and will have the program acknowledge to Board staff in writing that he has provided the school with a complete copy of the order within sixty (60) days;
- k) may not work without, and will provide any and all patient care, only if an advanced practice registered nurse or physician with an unencumbered license is physically present on the facility grounds and readily available to provide assistance and intervention, if necessary, during the full term of practice on limited/probated status;
- l) may not be employed in a managerial or supervisory position during the full term of practice on limited/probated status;



Danny Wayne Waddell
Agreed Order
Page 5 of 9

- m) will have written reports submitted by his nursing employer(s), as determined by Board staff. Report forms will be made available for this purpose. The employer(s) will verify Mr. Waddell's compliance with each practice limitation on each report;
- n) will have written reports submitted by his therapeutic counselor(s) or primary therapist of compliance with recommendations stated herein, until documented release from counseling, as determined by Board staff;
- o) will have written reports submitted by his health care practitioner(s) with current plan of treatment, pain management agreement, medication assisted treatment, and controlled substance agreements, including compliance, and his ability to continue in nursing practice, as determined by Board staff, if applicable;
- p) will have written reports submitted by his program of nursing, as determined by Board staff, if applicable;
- q) will have written reports submitted by his probation/parole officer, if a criminal conviction is entered, until documented release from probation/parole/diversion, as determined by Board staff, unless the probation/parole officer specifically advises Board staff of his or her refusal to provide written reports, in which case verbal reports shall be accepted;
- r) agrees that an employer report of substantiated unsafe nursing practice, noncompliance with any of the limitations placed on his practice, evidence of substance abuse, a counselor's or primary therapist's report of noncompliance with the therapeutic plan of care, or a report of noncompliance with court ordered probation or diversion constitutes evidence of a violation of the terms of this order;
- s) will submit verification, as determined by Board staff, of attendance at least three (3) times weekly at a twelve (12) step support group;
- t) agrees to have at least twice (2) weekly contact with his sponsor, and provide verification as determined by Board staff;
- u) will submit random biological materials for drug/alcohol testing utilizing the drug screen program designated by the Board and as requested by his employer(s), Board staff, counselor(s), or therapist(s) until notified in writing by the Board that all requirements set forth in this agreement have been satisfied. Mr. Waddell will register with the drug screen program within fifteen (15) days of the effective date of this order and comply with all requirements of the drug screen program concerning random alcohol and drug testing. All testing will be at Mr. Waddell's expense. A GC/MS (gas



chromatography/mass spectrometry) or LC/MS (liquid chromatography/mass spectrometry) confirmed drug screen indicating the ingestion, inhalation, or absorption of any non-prescribed mood-altering substance, alcohol, poppy seeds, hemp, or cannabidiol (CBD) products constitutes evidence of violation of the terms of this order. He agrees and understands that hand sanitizer, lotions, cosmetics, and over-the-counter liquids and syrups contain ethyl alcohol, unless the packaging materials include the words "alcohol free";

- v) will remain free of all mood-altering substances, alcohol, over-the-counter medications containing alcohol, poppy seeds, hemp, or cannabidiol (CBD) products until notified in writing by the Board that all requirements set forth in this Agreed Order have been satisfied. If Mr. Waddell is prescribed any mood-altering medications, such use is permitted, and it is his responsibility to ensure the prescribing practitioner has full knowledge of his history of substance/alcohol use. He must obtain from the prescribing practitioner written verification of all recommended, dispensed, or prescribed medications and submit to Board staff within five (5) days. Report forms will be made available for this purpose. A consultation with an advanced practice registered nurse who specializes in substance use disorder, a physician who specializes in substance use disorder, or a physician addictionologist may be required;
- w) will submit to Board staff, upon request, a list of the health care practitioners who are providing health care to him and who are prescribing any medication for his use, including a list of all medications, including over the counter medications;
- x) will meet with Board staff in the Kentucky Board of Nursing office or at a designated location as requested. Board staff will determine the frequency of the meetings and Mr. Waddell will abide by that determination;
- y) will provide evidence of successful completion of at least thirty (30) contact hours on Substance Use Disorder by a provider that meets the requirements of 201 KAR 20:220 within six (6) months of the effective date of this Order. The thirty (30) contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s)/credential;
- z) will pay a civil penalty of one thousand, two hundred dollars (\$1,200) to the Board by November 30, 2020;
- aa) will notify Board staff in writing of any change of name, address, nursing employment, termination of employment as a nurse, or expulsion from a program of nursing within fifteen (15) days of the event;



- bb) will notify Board staff in writing of any change in probation/parole officer or therapist/counselor within fifteen (15) days of the event, if applicable;
 - cc) will notify Board staff in writing of any disciplinary action, pending investigation, admission into a monitoring program, or noncompliance issues related to monitoring in another jurisdiction within fifteen (15) days of the event; [and]
 - dd) will notify Board staff in writing of any criminal arrest, charge, pretrial diversion, indictment, guilty plea, or conviction within fifteen (15) days of the event.
- 9 Submission of fraudulent documents or reports; misrepresentation of facts relating to the terms and conditions of this order; any violation of state or federal law that endangered any person; or failure or inability to comply with any requirement of this order within ninety-six (96) months will constitute a violation of the order.
- 10 Mr. Waddell agrees and acknowledges that he may make a written request for voluntary surrender of the nursing license(s)/credential during the period of time he is on limitation/probation, indicating that he is unable to comply with the terms and conditions of the order. Any written request for voluntary surrender will subject Mr. Waddell to additional disciplinary action pursuant to the terms of this order. The voluntary surrender will begin upon entry of the order and will continue for a period of at least two (2) years. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
- 11 Mr. Waddell agrees and acknowledges that his failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Mr. Waddell has violated this Agreed Order, notice of intent to suspend/deny reinstatement will be issued to him. From the date this notice is mailed to Mr. Waddell in accordance with KRS 314.107, he shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing, and will result in suspension or denial of reinstatement with notification by mail. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue for a period of at least two (2) years. Reinstatement of the nursing license(s)/credential after such a suspension

A handwritten signature or set of initials, possibly 'RW', written in dark ink at the bottom right of the page.

or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.

- 12 Removal of the nursing license(s)/credential from limitation/probation will depend on compliance with all terms and conditions stated in this order. If all terms are met, and if he has not committed any act during the limited/probated period that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared. Even after all requirements of this Agreed Order have been met, Mr. Waddell may be restricted to a single state license pursuant to the Nurse Licensure Compact provisions applicable to felonies, practice-related misdemeanors, or uncleared disciplinary actions.
- 13 This Agreed Order, when signed by Mr. Waddell and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.
- 14 Mr. Waddell hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.
- 15 All provisions and conditions of this order shall carry over to any nursing license(s)/credential in Kentucky that he receives, including pursuant to any multistate nursing licensure compact with the Board.



Danny Wayne Waddell
Agreed Order
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Danny Wayne Waddell
Danny Wayne Waddell

Subscribed and Sworn to before me this 20th day of
May, 2019 by Danny Wayne Waddell.

Notary Public Dayna Chamberlain
State of Kentucky
My Commission expires 11/16/19

SEAL



(BOARD SEAL)

Pamela C. Hagan
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR,
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on May 21, 2019.

KENTUCKY BOARD OF NURSING**AGREED ORDER
CASE # 2017-0794****IN RE: SHARI LYNNE ARDUINO****LPN LICENSE # 2041390**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Shari Lynne Arduino has violated KRS Chapter 314. Shari Lynne Arduino, hereinafter referred to as Ms. Arduino, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Arduino agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

A complaint was received in the Board office December 6, 2016 from the Cabinet for Health and Family Services, Department for Community Based Services (DCBS), Frankfort, Kentucky, which indicated Ms. Arduino was terminated from her position as a licensed practical nurse after it was discovered she used improper technique during a patient's urethral catheterization. Specifically, Ms. Arduino performed a procedure without a physician's order, utilized improper medical equipment, and utilized unsterile equipment resulting in minor injury and pain to a patient under her care. Ms. Arduino also failed to properly document the procedure in the patient's chart.

In an investigative meeting held at the Board office on August 17, 2017, Ms. Arduino acknowledged she catheterized a patient using the incorrect size urethral catheter as well as unsterile equipment, without a physician's order.

The Board acknowledges receipt of the following: investigative records from DCBS received on December 6, 2016; a letter of explanation from Ms. Arduino on January 18, 2017; and a letter from the Assistant Attorney General, Office of Medicaid Fraud and Abuse, Louisville, Kentucky, on December 11, 2017, indicating their investigation of the incident was closed but expressing concern regarding Ms. Arduino's improper nursing procedures.

Ms. Arduino acknowledges these actions are in violation of KRS 314.091(1).

The Board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:

(d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

(h) has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records; [and]

* * *

(j) has violated any of the provisions of this chapter [including 314.021(2)].

Ms. Arduino has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. Ms. Arduino understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. All terms of the Agreed Order will begin immediately upon entry of this Agreed Order.
3. A reprimand is issued by the Board, which expresses concern regarding the seriousness of her inappropriate nursing actions.
4. She will pay a civil penalty of seven hundred fifty dollars (\$750) to the Board within six (6) months of the effective date of this Agreed Order.
5. She will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220 on Critical Thinking in Nursing within six (6) months of the effective date of this Agreed Order. The thirty (30) contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s)/privilege to practice/credential.
6. Until notified in writing by the Board that the requirements set forth in this Agreed Order have been satisfied, she will notify Board staff in writing within fifteen (15) days of any of the following occurrences: any pending disciplinary action related to any professional license or credential by any other jurisdiction; any pending investigation related to any professional license or credential by any other jurisdiction; admission into a monitoring program; any non-compliance issue related to monitoring related to any professional license or credential by any other jurisdiction; any criminal arrest; any misdemeanor or felony charge; entry into any pretrial diversion agreement; any criminal indictment; any guilty plea in a misdemeanor or felony case; or any misdemeanor or felony conviction.
7. Submission of fraudulent documents or reports, misrepresentation of facts relating to the conditions of this order, any violation of state or federal law that endangered any

person or failure to comply with any requirement of this order will constitute violation of the Order.

8. Ms. Arduino agrees and acknowledges that she may make a written request for voluntary surrender of the nursing license(s)/privilege to practice/credential during the period of time she is on monitoring, indicating that she is unable to comply with the terms and conditions of the Agreed Order. Any written request for voluntary surrender will subject Ms. Arduino to additional disciplinary action pursuant to the terms of this Agreed Order. The voluntary surrender will begin upon entry of the order and will continue until all requirements of this Agreed Order have been met. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/privilege to practice/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this Order.
9. Ms. Arduino agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/privilege to practice/credential or denial of reinstatement of a lapsed, invalidated, or expired license(s)/privilege to practice/credential. Should Board staff determine that Ms. Arduino has violated this Agreed Order, notice of intent to suspend or deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Arduino in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing and will result in suspension or denial of reinstatement with notification by mail. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue until all requirements of this Agreed Order have been met. Reinstatement of the license(s)/privilege to practice/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this Order.
10. This Agreed Order, when signed by Ms. Arduino and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow the standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.
11. She hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.

**Agreed Order
Shari Lynne Arduino
Page 4 of 4**

- 12. All provisions and conditions of this order shall carry over to any license(s)/privilege to practice/credential in Kentucky that she receives, including pursuant to any multistate nursing licensure compact with the Board.
- 13. Removal of the nursing license(s)/privilege to practice/credential from active discipline will depend on compliance with all terms and conditions stated in this order. If all terms and conditions met, and if she has not committed any act prior to completion of all requirements stated in this Agreed Order that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared.

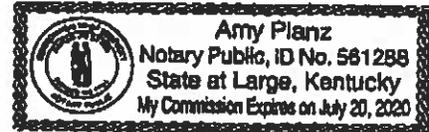
Shari Lynne Arduino
Shari Lynne Arduino

Subscribed and Sworn to before me this 31 day of
May, 2019 by Shari Lynne Arduino.

Notary Public [Signature]

State of Kentucky

My Commission expires 07/20/2020



SEAL



(BOARD SEAL)

Pamela C. Hagan
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on
June 5, 2019.

KENTUCKY BOARD OF NURSING**AGREED ORDER
CASE # 2018-0331****IN RE: HEATHER MARIE FISCHER-BRYANT****RN LICENSE # 1148748**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Heather Marie Fischer-Bryant has violated KRS Chapter 314. Heather Marie Fischer-Bryant, hereinafter referred to as Ms. Fischer-Bryant, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Fischer-Bryant agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

A self-report from Ms. Fischer-Bryant was received in the Board office on September 17, 2017, which stated that she had consumed a few glasses of wine the evening of September 6, 2017. She reported to work the next day and tested positive for alcohol.

The Board received a complaint from University of Kentucky Health Care Good Samaritan (UKHC-GS) Lexington, Kentucky, on September 20, 2017, stating Ms. Fischer-Bryant's "fitness for duty" drug test was positive for alcohol. She was placed on a two (2) day suspension and ninety (90) day corrective action probation.

The Board acknowledges receipt of the following: copy of a certificate showing completion of thirty (30) contact hours on Substance Abuse, completed on September 22, 2017, from her attorney on October 25, 2017; personnel and applicable records from UKHC-GS on October 27, 2017; a letter of explanation from Ms. Fischer-Bryant on November 17, 2017; a positive mental health/substance use disorder evaluation from Michael DiBiasie, Nicholasville, Kentucky, on December 11, 2017, recommending abstinence from alcohol, a psychiatric evaluation, a minimum attendance of four (4) outpatient alcohol-related treatment groups, and a minimum attendance of thirty (30) community alcohol treatment groups; a positive mental health/substance use disorder evaluation from Crossroads Counseling Services, Georgetown, Kentucky, on January 30, 2018, recommending abstinence of alcohol, continuation of psychotherapy treatment, including individual counseling and attendance of outpatient substance abuse counseling for at least twenty-six (26) group meetings, with re-evaluation after six (6) months; copy of a certificate of showing ten (10) contact hours on Alcohol and Alcohol Use Disorders, completed on January 10, 2019, copies of three (3) Daisy Award nominations, and her 2017 performance evaluation on January 10, 2019; verification from Tracey Werner-Wilson, MSW, LMFT, Director, University of Kentucky (UK) Family Center, Lexington, Kentucky, of completion of all mandatory REFER counseling sessions ordered by her employer, on January 13, 2019; and two (2) Bronze Awards, four (4) letters of recommendation, and her resume on February 4, 2019.

Ms. Fischer-Bryant acknowledges these actions are in violation of KRS 314.091(1).

**Heather Marie Fischer-Bryant
Agreed Order
Page 2 of 8**

The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:...

- (d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

- (f) abuses controlled substances, prescription medications, illegal substances, or alcohol;

- (j) has violated any of the provisions of this chapter; [and]

- (p) has used or been impaired as a consequence of the use of alcohol or drugs while practicing as a nurse.

She has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. She understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. All terms of this Agreed Order will begin immediately upon entry of this order. She will not be eligible for a multistate license during the period of monitoring and until authorized pursuant to the Nurse Licensure Compact.
3. When this Agreed Order becomes effective, Ms. Fischer-Bryant's nursing license(s)/credential will be placed on limited/probated status for a period of at least eighteen (18) months of employment as a registered nurse.
4. The period of limitation/probation will continue until she has been employed as a registered nurse for a period of at least eighteen (18) months, and until all other terms of this order are met.

Heather Marie Fischer-Bryant
Agreed Order
Page 3 of 8

5. Periods of time in which Ms. Fischer-Bryant is not employed as a nurse will be excluded from the computation of probationary time.
6. Employment in fields other than nursing or a period of unemployment does not relieve her of compliance with all other terms and conditions of this order.
7. While on limitation/probation Ms. Fischer-Bryant:
 - a) agrees to maintain current nursing license(s)/credential in Kentucky or another jurisdiction while under the terms of this order, and acknowledges that the inability to obtain a license in another jurisdiction may subject her to additional disciplinary action;
 - b) agrees not to practice nursing in any other state which is a party to the Nurse Licensure Compact without obtaining a single state license from the nursing regulatory authority in the party state in which she wishes to practice;
 - c) agrees to notify Board staff in writing within fourteen (14) days if she applies for nursing licensure in another jurisdiction;
 - d) may not be employed in a nursing position that requires her to provide direct patient care in the following settings: private duty, nurse registry, temporary nurse employment agency, or home health care;
 - e) may not be scheduled to work more than eighty-eight (88) hours per two-week period. The nursing position may be a full-time or a part-time position but must require her to work at least thirty-two (32) hours per month;
 - f) will provide a complete copy of this order to all potential nursing employers including, but not limited to, nursing recruiters or human resources staff during the interview process;
 - g) will provide a complete copy of this order to her immediate nursing manager or supervisor and will have the nursing manager or supervisor acknowledge to Board staff in writing that she has provided them a copy of this order within fourteen (14) days. She will have the nursing manager or supervisor discuss the terms of this order with Board staff within fourteen (14) days of employment. She will notify Board staff in writing if there is a change of nursing managers or supervisors;
 - h) will provide a complete copy of this order to her counselor, and will have the counselor acknowledge to Board staff in writing that she has provided them a copy of this order within sixty (60) days;

Heather Marie Fischer-Bryant
Agreed Order
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- i) will provide a complete copy of this order immediately to the program of nursing administration, if enrolled in such, and will have the program acknowledge to Board staff in writing that she has provided the school with a complete copy of the Order within sixty (60) days;
- j) may not work without, and will provide any and all patient care only under, the continuous on-site supervision of a nurse or physician with an unencumbered license who is physically present on the facility grounds and readily available to provide assistance and intervention if necessary during the full term of practice on limited/probated status;
- k) may not be employed in a managerial or supervisory position during the full term of practice on limited/probated status;
- l) will have written reports submitted by her nursing employer(s), as determined by Board staff. Report forms will be made available for this purpose. The employer(s) will verify Ms. Fischer-Bryant's compliance with each practice limitation on each report;
- m) will have written reports submitted by her therapeutic counselor(s) or primary therapist of compliance with recommendations stated herein, until documented release from counseling, as determined by Board staff;
- n) will have written reports submitted by her health care practitioner(s) with current plan of treatment, pain management agreement, medication assisted treatment, and controlled substance agreements, including compliance, and her ability to continue in nursing practice, as determined by Board staff;
- o) will have written reports submitted by her program of nursing, as determined by Board staff, if applicable;
- p) will have written reports submitted by her probation/parole officer, if a criminal conviction is entered, until documented release from probation/parole/diversion, as determined by Board staff, unless the probation/parole officer specifically advises Board staff of his or her refusal to provide written reports, in which case verbal reports shall be accepted;
- q) agrees that an employer report of substantiated unsafe nursing practice, noncompliance with any of the limitations placed on her practice, evidence of substance abuse, a counselor's or primary therapist's report of noncompliance with the therapeutic plan of care, or a report of noncompliance with court ordered probation or diversion constitutes evidence of a violation of the terms of this order;

Heather Marie Fischer-Bryant
Agreed Order
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- r) will submit verification, as determined by Board staff, of attendance at least once per week at an AA/NA support group, and attendance at a counseling session at least once per week, or as recommended by the counselor, until counselor releases her.
- s) will submit random biological materials for drug/alcohol testing utilizing the drug screening program designated by the Board and as requested by her employer(s), Board staff, counselor(s), or therapist(s) until notified in writing by the Board that all requirements set forth in this agreement have been satisfied. Ms. Fischer-Bryant will register with the drug screening program within fifteen (15) days of the effective date of this order and comply with all requirements of the drug screening program concerning random alcohol and drug testing. All testing will be at Ms. Fischer-Bryant's expense. A GC/MS (gas chromatography/mass spectrometry) or LC/MS (liquid chromatography/mass spectrometry) confirmed drug screening indicating the ingestion, inhalation, or absorption of any non-prescribed mood-altering substance, alcohol, poppy seeds, hemp, or cannabidiol (CBD) products constitutes evidence of violation of the terms of this order. She agrees and understands that hand sanitizer, lotions, cosmetics, and over-the-counter liquids and syrups contain ethyl alcohol, unless the packaging materials include the words "alcohol-free";
- t) will remain free of all mood-altering substances, alcohol, over-the-counter medications containing alcohol, poppy seeds, hemp, or cannabidiol (CBD) products until notified in writing by the Board that all requirements set forth in this Agreed Order have been satisfied. If Ms. Fischer-Bryant is prescribed any mood-altering medications, such use is permitted, and it is her responsibility to ensure the prescribing practitioner has full knowledge of her history of substance/alcohol use. She must obtain from the prescribing practitioner written verification of all recommended, dispensed, or prescribed medications and submit to Board staff within five (5) days. Report forms will be made available for this purpose. A consultation with an advanced practice registered nurse who specializes in substance use disorder, a physician who specializes in substance use disorder, or a physician addictionologist may be required;
- u) will submit to Board staff, upon request, a list of the health care practitioners who are providing health care to her and who are prescribing any medication for her use, including a list of all medications, including over the counter medications;
- v) will meet with Board staff in the Kentucky Board of Nursing office or at a designated location as requested. Board staff will determine the frequency of the meetings, and Ms. Fischer-Bryant will abide by that determination;

- w) will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220 on Substance Use Disorder by September 1, 2020. The thirty (30) contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s)/credential. Ms. Fischer-Bryant submitted thirty (30) contact hours on Substance Abuse, completed on September 22, 2017, and ten (10) contact hours on Alcohol and Alcohol Use Disorder, completed and faxed on January 10, 2019, which are accepted toward the aforementioned requirement.
 - x) will pay a civil penalty of nine hundred dollars (\$900) to the Board by September 1, 2020;
 - y) will notify Board staff in writing of any change of name, address, nursing employment, termination of employment as a nurse, or expulsion from a program of nursing within fifteen (15) days of the event;
 - z) will notify Board staff in writing of any change in probation/parole officer or therapist/counselor within fifteen (15) days of the event, if applicable;
 - aa) will notify Board staff in writing of any disciplinary action, pending investigation, admission into a monitoring program, or noncompliance issues related to monitoring in another jurisdiction within fifteen (15) days of the event; [and]
 - bb) will notify Board staff in writing of any criminal arrest, charge, pretrial diversion, indictment, guilty plea, or conviction within fifteen (15) days of the event.
8. Submission of fraudulent documents or reports; misrepresentation of facts relating to the terms and conditions of this order; any violation of state or federal law that endangered any person; or failure or inability to comply with any requirement of this order within ninety-six (96) months will constitute violation of the order.
9. Ms. Fischer-Bryant agrees and acknowledges that she may make a written request for voluntary surrender of the nursing license(s)/credential during the period of time her is on limitation/probation, indicating that she is unable to comply with the terms and conditions of the order. Any written request for voluntary surrender will subject Ms. Fischer-Bryant to additional disciplinary action pursuant to the terms of this order. The voluntary surrender will begin upon entry of the order and will continue for a period of at least eighteen (18) months. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential

will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.

10. Ms. Fischer-Bryant agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Ms. Fischer-Bryant has violated this Agreed Order, notice of intent to suspend/deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Fischer-Bryant in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing, and will result in suspension or denial of reinstatement, with notification by mail. The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue for a period of at least eighteen (18) months. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
11. Removal of the nursing license(s)/credential from limitation/probation will depend on compliance with all terms and conditions stated in this order. If all terms are met, and if she has not committed any act during the limited/probated period that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared. Even after all requirements of this Agreed Order have been met, Ms. Fischer-Bryant may be restricted to a single state license pursuant to the Nurse Licensure Compact provisions applicable to felonies, practice-related misdemeanors, or uncleared disciplinary actions.
12. This Agreed Order, when signed by Ms. Fischer-Bryant and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.
13. Ms. Fischer-Bryant hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.

Heather Marie Fischer-Bryant
Agreed Order
Page 8 of 8

14. All provisions and conditions of this order shall carry over to any nursing license(s)/credential in Kentucky that she receives, including pursuant to any multistate nursing licensure compact with the Board.

Heather Marie Fischer-Bryant
Heather Marie Fischer-Bryant

Subscribed and Sworn to before me this 31 day of
May, 2019 by Heather Marie Fischer-Bryant.

Notary Public Donna Workman DeW # 542073
State of Ky SEAL

My Commission expires ~~September 14, 2019~~

Pamela C. Hagan
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING
(BOARD SEAL) Deputy EXECUTIVE

Agreed to and entered by the Board on

June 21, 2019.

KENTUCKY BOARD OF NURSING**AGREED ORDER
CASE # 2018-1452****IN RE: KRISTA DAVIS****RN LICENSE # 1146696**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Krista Davis has violated KRS Chapter 314. Krista Davis, hereinafter referred to as Ms. Davis, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Davis agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

The Board received a self-report from Ms. Davis on June 8, 2018, that her Ohio nursing license was placed on indefinite suspension on May 17, 2018. The suspension was stayed, subject to probationary terms and restrictions for a minimum of two (2) years. On August 4, 2017, Ms. Davis reported to work as a registered nurse at the University of Cincinnati Medical Center (UCMC), Cincinnati, Ohio, after consuming alcohol the prior night. Ms. Davis was observed to be loud and agitated, with droopy eyes, and was forgetful. She was given a "for cause" alcohol breathalyzer test. That result was 0.021. A second breathalyzer test was completed per hospital policy, which resulted at 0.018. Ms. Davis resigned from UCMC in lieu of termination on August 10, 2017.

The Board acknowledges receipt of the following: a letter of explanation from Ms. Davis on July 23, 2018; a positive mental health and substance use disorder evaluation from Individual Care Center, Cincinnati, Ohio, on August 24, 2018, with a diagnosis of alcohol abuse in remission that recommended six (6) sessions with a certified substance abuse therapist; an addendum to the evaluation from Individual Care Center on January 14, 2019 with no new recommendations; and verification of four (4) counseling sessions with Morris Counseling Services, Crestview Hills, Kentucky, from Ms. Davis on February 25, 2019.

Ms. Davis acknowledges these actions are in violation of KRS 314.091(1).

The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:

- (d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

- (f) abuses controlled substances, prescription medications, illegal substances, or alcohol;

* * *

- (i) has a license, privilege, or credential to practice as a nurse denied, limited, suspended, probated, revoked, or otherwise disciplined in another jurisdiction on grounds sufficient to cause a license or privilege to be denied, limited, suspended, probated, revoked, or otherwise disciplined in this Commonwealth, including action by another jurisdiction for failure to repay a student loan;

- (j) has violated any of the provisions of this chapter; [and]

* * *

- (p) has used or been impaired as a consequence of the use of alcohol or drugs while practicing as a nurse.

In addition to the above cited violations, the Board has considered and determined the following facts to support the terms and conditions of this Agreed Order, as set out below:

On December 9, 2015, the Credentials Review Panel of the Board reviewed an application submitted by Ms. Davis involving a criminal conviction of Driving Under the Influence of Drugs/Alcohol, Kenton County, Kentucky, in 2011. The panel recommended a letter of concern, and issuance of her registered nursing license.

She has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. She understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. All terms of this Agreed Order will begin immediately upon entry of this order. She will not be eligible for a multistate license during the period of monitoring, and until authorized pursuant to the Nurse Licensure Compact.

Agreed Order

Krista Davis

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3. When this Agreed Order becomes effective, Ms. Davis' nursing license(s)/credential will be placed on limited/probated status for a period of at least two (2) years of employment as a registered nurse.
4. The period of limitation/probation will continue until she has been employed as a registered nurse for a period of at least two (2) years, and until all other terms of this order are met.
5. Periods of time in which Ms. Davis is not employed as a nurse will be excluded from the computation of probationary time.
6. Employment in fields other than nursing or a period of unemployment does not relieve her of compliance with all other terms and conditions of this order.
7. While on limitation/probation Ms. Davis:
 - a) agrees to maintain current nursing license(s)/credential in Kentucky or another jurisdiction while under the terms of this order, and acknowledges that the inability to obtain a license in another jurisdiction may subject her to additional disciplinary action;
 - b) agrees not to practice nursing in any other state which is a party to the Nurse Licensure Compact without obtaining a single state license from the nursing regulatory authority in the party state in which she wishes to practice;
 - c) agrees to notify Board staff in writing within fourteen (14) days if she applies for nursing licensure in another jurisdiction;
 - d) may not be employed in a nursing position that requires her to provide direct patient care in the following settings: private duty, nurse registry, temporary nurse employment agency, or home health care;
 - e) may not be scheduled to work more than eighty-eight (88) hours per two-week period. The nursing position may be a full-time or a part-time position but must require her to work at least thirty-two (32) hours per month;
 - f) will provide a complete copy of this order to all potential nursing employers including, but not limited to, nursing recruiters or human resources staff during the interview process;
 - g) will provide a complete copy of this order to her immediate nursing manager or supervisor and will have the nursing manager or supervisor acknowledge to Board staff in writing that she has provided them a copy of this order within fourteen (14) days. She will have the nursing manager or supervisor

discuss the terms of this order with Board staff within fourteen (14) days of employment. She will notify Board staff in writing if there is a change of nursing managers or supervisors;

- h) will provide a complete copy of this order to her counselor, and will have the counselor acknowledge to Board staff in writing that she has provided them a copy of this order within sixty (60) days, if applicable;
- i) will provide a complete copy of this order to her probation/parole officer, and will have the probation/parole officer acknowledge to Board staff in writing that she has provided them a copy of this order within sixty (60) days, if applicable;
- j) will provide a complete copy of this order immediately to the program of nursing administration, if enrolled in such, and will have the program acknowledge to Board staff in writing that she has provided the school with a complete copy of the order within sixty (60) days;
- k) may not work without, and will provide any and all patient care only if a registered nurse or physician with an unencumbered license is physically present on the facility grounds and readily available to provide assistance and intervention if necessary during the full term of practice on limited/probated status;
- l) may not be employed in a managerial or supervisory position during the full term of practice on limited/probated status;
- m) will have written reports submitted by her nursing employer(s), as determined by Board staff. Report forms will be made available for this purpose. The employer(s) will verify Ms. Davis' compliance with each practice limitation on each report;
- n) will have written reports submitted by her therapeutic counselor(s) or primary therapist of compliance with recommendations stated herein, until documented release from counseling, as determined by Board staff;
- o) will have written reports submitted by her health care practitioner(s) with current plan of treatment, pain management agreement, medication assisted treatment, and controlled substance agreements, including compliance, and her ability to continue in nursing practice, as determined by Board staff, if applicable;
- p) will have written reports submitted by her program of nursing, as determined by Board staff, if applicable;

Agreed Order

Krista Davis

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- q) will have written reports submitted by her probation/parole officer, if a criminal conviction is entered, until documented release from probation/parole/diversion, as determined by Board staff, unless the probation/parole officer specifically advises Board staff of his or her refusal to provide written reports, in which case verbal reports shall be accepted;
- r) agrees that an employer report of substantiated unsafe nursing practice, noncompliance with any of the limitations placed on her practice, evidence of substance abuse, a counselor's or primary therapist's report of noncompliance with the therapeutic plan of care, or a report of noncompliance with court ordered probation or diversion constitutes evidence of a violation of the terms of this order;
- s) will submit verification, as determined by Board staff, of attendance at least one (1) time weekly at an Alcoholic Anonymous (AA) support group or peer support group;
- t) will submit random biological materials for drug/alcohol testing utilizing the drug screen program designated by the Board and as requested by her employer(s), Board staff, counselor(s), or therapist(s) until notified in writing by the Board that all requirements set forth in this agreement have been satisfied. Ms. Davis will register with the drug screen program within fifteen (15) days of the effective date of this order and comply with all requirements of the drug screen program concerning random alcohol and drug testing. All testing will be at Ms. Davis' expense. A GC/MS (gas chromatography/mass spectrometry) or LC/MS (liquid chromatography/mass spectrometry) confirmed drug screen indicating the ingestion, inhalation, or absorption of any non-prescribed mood-altering substance, alcohol, poppy seeds, hemp, or cannabidiol (CBD) products constitutes evidence of violation of the terms of this order. She agrees and understands that hand sanitizer, lotions, cosmetics, and over-the-counter liquids and syrups contain ethyl alcohol, unless the packaging materials include the words "alcohol free";
- u) will remain free of all mood-altering substances, alcohol, over-the-counter medications containing alcohol, poppy seeds, hemp, or cannabidiol (CBD) products until notified in writing by the Board that all requirements set forth in this Agreed Order have been met. If Ms. Davis is prescribed any mood-altering medications, such use is permitted, and it is her responsibility to ensure the prescribing practitioner has full knowledge of her history of substance/alcohol use. She must obtain from the prescribing practitioner written verification of all recommended, dispensed, or prescribed medications and submit to Board staff within five (5) days. Report forms will be made available for this purpose. A consultation with an advanced practice registered nurse who specializes in substance use disorder, a physician who

specializes in substance use disorder, or a physician addictionologist may be required;

- v) will submit to Board staff, upon request, a list of the health care practitioners who are providing health care to her and who are prescribing any medication for her use, including a list of all medications, including over the counter medications;
 - w) will meet with Board staff in the Kentucky Board of Nursing office or at a designated location as requested. Board staff will determine the frequency of the meetings and Ms. Davis will abide by that determination;
 - x) will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220 on Substance Use Disorder within six (6) months of the effective date of this order. The thirty contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s)/credential;
 - y) will pay a civil penalty of one thousand two hundred dollars (\$1,200) to the Board by November 18, 2019.
 - z) will notify Board staff in writing of any change of name, address, nursing employment, termination of employment as a nurse, or expulsion from a program of nursing within fifteen (15) days of the event;
 - aa) will notify Board staff in writing of any change in probation/parole officer or therapist/counselor within fifteen (15) days of the event, if applicable;
 - bb) will notify Board staff in writing of any disciplinary action, pending investigation, admission into a monitoring program, or noncompliance issues related to monitoring in another jurisdiction within fifteen (15) days of the event; and
 - cc) will notify Board staff in writing of any criminal arrest, charge, pretrial diversion, indictment, guilty plea, or conviction within fifteen (15) days of the event.
8. Submission of fraudulent documents or reports; misrepresentation of facts relating to the terms and conditions of this order; any violation of state or federal law that endangered any person; or failure or inability to comply with any requirement of this order within ninety-six (96) months will constitute violation of the order.

9. Ms. Davis agrees and acknowledges that she may make a written request for voluntary surrender of the nursing license(s)/credential during the period of time she is on limitation/probation, indicating that she is unable to comply with the terms and conditions of the order. Any written request for voluntary surrender will subject Ms. Davis to additional disciplinary action pursuant to the terms of this order. The voluntary surrender will begin upon entry of the order and will continue for a period of at least two (2) years. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
10. Ms. Davis agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Ms. Davis has violated this Agreed Order, notice of intent to suspend/deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Davis in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing, and will result in suspension or denial of reinstatement, with notification by mail. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue for a period of at least two (2) years. Reinstatement of the nursing license(s)/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
11. Removal of the nursing license(s)/credential from limitation/probation will depend on compliance with all terms and conditions stated in this order. If all terms are met, and if she has not committed any act during the limited/probated period that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared. Even after all requirements of this Agreed Order have been met, Ms. Davis may be restricted to a single state license pursuant to the Nurse Licensure Compact provisions applicable to felonies, practice-related misdemeanors, or uncleared disciplinary actions
12. This Agreed Order, when signed by Ms. Davis and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations

or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.

13. Ms. Davis hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.

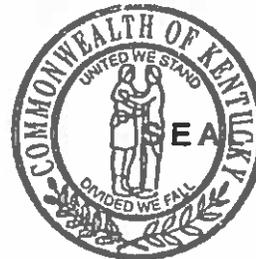
14. All provisions and conditions of this order shall carry over to any nursing license(s)/credential in Kentucky that she receives, including pursuant to any multistate nursing licensure compact with the Board.



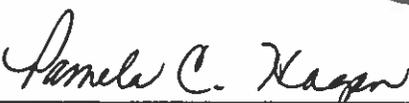
Krista Davis

Subscribed and Sworn to before me this 14 day of
June, 2019 by Krista Davis.

Notary Public John Michael Hanka
State of Kentucky
My Commission expires 9-28-19



JOHN-MICHAEL HANKA
Notary Public, Kentucky
State At Large
My Commission Expires
September 28, 2019
Notary ID# 542994



(BOARD SEAL) DEPUTY PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on
June 24, 2019.

REC'D

JUN 19 2019

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KENTUCKY BOARD OF NURSING**AGREED ORDER
CASE # 2018-0916****IN RE: TERESA R. LAYNE MOORE****RN LICENSE # 1068139**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Teresa R. Layne Moore has violated KRS Chapter 314. Teresa R. Layne Moore, hereinafter referred to as Ms. Moore, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Moore agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

On February 9, 2018, a complaint was received from Fountain Circle Care, Winchester, Kentucky, that stated that during Ms. Moore's employment as a registered nurse, she removed four (4) medications for administration more frequently than ordered and neglected to document the medications. A "for cause" drug screen was performed and resulted negative. Ms. Moore's employment as a registered nurse was terminated on January 30, 2018. Ms. Moore denied diverting medications and explained she was looking at old orders related to the medications and did not notice the orders had changed. She stated she would give a medication, but did not always document in the electronic medication administration record. Ms. Moore requested entrance into the Kentucky Alternative Recovery Effort (KARE) on January 8, 2019. That request was denied. Ms. Moore was previously on medication assisted treatment in 2009, but continued to abuse opioids at that time. Ms. Moore attended inpatient treatment in 2010 at The Healing Place (THP), Louisville, Kentucky. She had a relapse on alcohol and attended inpatient treatment at THP in 2013. She is currently on medication assisted treatment.

The Board acknowledges receipt of the following: Ms. Moore's personnel file and controlled drug records on February 12, 2018; portions of patient medical records on February 26, 2018 and April 17, 2018; a letter of explanation from Ms. Moore, four (4) letters of recommendation, and copies of negative urine drug screens on April 23, 2018; a positive mental health/substance use disorder evaluation from Pathways, Grayson, Kentucky, recommending outpatient substance abuse and mental health counseling, on May 22, 2018; verification of treatment from Pathways on November 13, 2018; and copies of additional negative urine drug screens on January 8, 2019.

Ms. Moore acknowledges these actions are in violation of KRS 314.091(1).

The board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder,

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Agreed Order
Teresa R. Layne Moore
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privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:...

- (d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

- (h) has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records; [and]

* * *

- (j) has violated any of the provisions of this chapter.

She has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. She understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. All terms of this Agreed Order will begin immediately upon entry of this order. She will not be eligible for a multistate license during the period of monitoring, and until authorized pursuant to the Nurse Licensure Compact.
3. When this Agreed Order becomes effective, Ms. Moore's nursing license(s)/credential will be placed on limited/probated status for a period of at least two (2) years of employment as a registered nurse.
4. The period of limitation/probation will continue until she has been employed as a registered nurse for a period of at least two (2) years, and until all other terms of this order are met.
5. Periods of time in which Ms. Moore is not employed as a nurse will be excluded from the computation of probationary time.
6. Employment in fields other than nursing or a period of unemployment does not relieve her of compliance with all other terms and conditions of this order.
7. While on limitation/probation Ms. Moore:

- a) agrees to maintain current nursing license(s)/credential in Kentucky or another jurisdiction while under the terms of this order, and acknowledges that the inability to obtain a license in another jurisdiction may subject her to additional disciplinary action;
- b) agrees not to practice nursing in any other state which is a party to the Nurse Licensure Compact without obtaining a single state license from the nursing regulatory authority in the party state in which she wishes to practice;
- c) agrees to notify Board staff in writing within fourteen (14) days if she applies for nursing licensure in another jurisdiction;
- d) may not be employed in a nursing position that requires her to provide direct patient care in the following settings: private duty, nurse registry, temporary nurse employment agency, or home health care;
- e) may not be scheduled to work more than eighty-eight (88) hours per two-week period. The nursing position may be a full-time or a part-time position but must require her to work at least thirty-two (32) hours per month;
- f) will provide a complete copy of this order to all potential nursing employers including, but not limited to, nursing recruiters or human resources staff during the interview process;
- g) will provide a complete copy of this order to her immediate nursing manager or supervisor and will have the nursing manager or supervisor acknowledge to Board staff in writing that she has provided them a copy of this order within fourteen (14) days. She will have the nursing manager or supervisor discuss the terms of this order with Board staff within fourteen (14) days of employment. She will notify Board staff in writing if there is a change of nursing managers or supervisors;
- h) will provide a complete copy of this order to her counselor, and will have the counselor acknowledge to Board staff in writing that she has provided them a copy of this order within sixty (60) days, if applicable;
- i) will provide a complete copy of this order to her probation/parole officer, and will have the probation/parole officer acknowledge to Board staff in writing that she has provided them a copy of this order within sixty (60) days, if applicable;
- j) will provide a complete copy of this order immediately to the program of nursing administration, if enrolled in such, and will have the program acknowledge to Board staff in writing that she has provided the school with a complete copy of the order within sixty (60) days;

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- k) may not work without, and will provide any and all patient care only if a registered nurse or physician with an unencumbered license is physically present on the facility grounds and readily available to provide assistance and intervention if necessary during the full term of practice on limited/probated status;
- l) will prepare, administer, and document administration of controlled substances only under the on-site supervision of a nurse or physician with an unencumbered license during the first (1st) year of practice on limited/probated status;
- m) may not be employed in a managerial or supervisory position during the two (2) years of practice on limited/probated status;
- n) will have written reports submitted by her nursing employer(s), as determined by Board staff. Report forms will be made available for this purpose. The employer(s) will verify Ms. Moore's compliance with each practice limitation on each report;
- o) will have written reports submitted by her therapeutic counselor(s) or primary therapist of compliance with recommendations stated herein, until documented release from counseling, as determined by Board staff;
- p) will have written reports submitted by her health care practitioner(s) with current plan of treatment, pain management agreement, medication assisted treatment, and controlled substance agreements, including compliance, and her ability to continue in nursing practice, as determined by Board staff;
- q) will have written reports submitted by her program of nursing, as determined by Board staff, if applicable;
- r) will have written reports submitted by her probation/parole officer, if a criminal conviction is entered, until documented release from probation/parole/diversion, as determined by Board staff, unless the probation/parole officer specifically advises Board staff of his or her refusal to provide written reports, in which case verbal reports shall be accepted;
- s) agrees that an employer report of substantiated unsafe nursing practice, noncompliance with any of the limitations placed on her practice, evidence of substance abuse, a counselor's or primary therapist's report of noncompliance with the therapeutic plan of care, or a report of noncompliance with court ordered probation or diversion constitutes evidence of a violation of the terms of this order;

- t) will submit verification, as determined by Board staff, of attendance at least two (2) times weekly at an AA/NA support group;
- u) will submit random biological materials for drug/alcohol testing utilizing the drug screen program designated by the Board and as requested by her employer(s), Board staff, counselor(s), or therapist(s) until notified in writing by the Board that all requirements set forth in this agreement have been satisfied. Ms. Moore will register with the drug screen program within fifteen (15) days of the effective date of this order and comply with all requirements of the drug screen program concerning random alcohol and drug testing. All testing will be at Ms. Moore's expense. A GC/MS (gas chromatography/mass spectrometry) or LC/MS (liquid chromatography/mass spectrometry) confirmed drug screen indicating the ingestion, inhalation, or absorption of any non-prescribed mood-altering substance, alcohol, poppy seeds, hemp, or cannabidiol (CBD) products constitutes evidence of violation of the terms of this order. She agrees and understands that hand sanitizer, lotions, cosmetics, and over-the-counter liquids and syrups contain ethyl alcohol, unless the packaging materials include the words "alcohol free";
- v) will remain free of all mood-altering substances, alcohol, over-the-counter medications containing alcohol, poppy seeds, hemp, or cannabidiol (CBD) products until notified in writing by the Board that all requirements set forth in this Agreed Order have been satisfied. If Ms. Moore is prescribed any mood-altering medications, such use is permitted, and it is her responsibility to ensure the prescribing practitioner has full knowledge of her history of substance/alcohol use. She must obtain from the prescribing practitioner written verification of all recommended, dispensed, or prescribed medications and submit to Board staff within five (5) days. Report forms will be made available for this purpose. A consultation with an advanced practice registered nurse who specializes in substance use disorder, a physician who specializes in substance use disorder, or a physician addictionologist may be required;
- w) will submit to Board staff, upon request, a list of the health care practitioners who are providing health care to her and who are prescribing any medication for her use, including a list of all medications, including over the counter medications;
- x) will meet with Board staff in the Kentucky Board of Nursing office or at a designated location as requested. Board staff will determine the frequency of the meetings and Ms. Moore will abide by that determination;
- y) will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220 within eighteen (18) months of the effective date of this order. The thirty (30)

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contact hours should include twenty (20) contact hours on Substance Use Disorder and ten (10) contact hours on Documentation. The thirty (30) contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s)/credential;

- z) will pay a civil penalty of one thousand, two hundred dollars (\$1,200) to the Board within eighteen (18) months of the effective date of the order;
 - aa) will notify Board staff in writing of any change of name, address, nursing employment, termination of employment as a nurse, or expulsion from a program of nursing within fifteen (15) days of the event;
 - bb) will notify Board staff in writing of any change in probation/parole officer or therapist/counselor within fifteen (15) days of the event, if applicable;
 - cc) will notify Board staff in writing of any disciplinary action, pending investigation, admission into a monitoring program, or noncompliance issues related to monitoring in another jurisdiction within fifteen (15) days of the event; and
 - dd) will notify Board staff in writing of any criminal arrest, charge, pretrial diversion, indictment, guilty plea, or conviction within fifteen (15) days of the event.
8. Submission of fraudulent documents or reports; misrepresentation of facts relating to the terms and conditions of this order; any violation of state or federal law that endangered any person; or failure or inability to comply with any requirement of this order within ninety-six (96) months will constitute violation of the order.
9. Ms. Moore agrees and acknowledges that she may make a written request for voluntary surrender of the nursing license(s)/credential during the period of time she is on limitation/probation, indicating that she is unable to comply with the terms and conditions of the order. Any written request for voluntary surrender will subject Ms. Moore to additional disciplinary action pursuant to the terms of this order. The voluntary surrender will begin upon entry of the order and will continue for a period of at least two (2) years. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
10. Ms. Moore agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/credential or denial of reinstatement of a lapsed,

invalidated, or expired license/credential. Should Board staff determine that Ms. Moore has violated this Agreed Order, notice of intent to suspend/deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Moore in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing, and will result in suspension or denial of reinstatement, with notification by mail. The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue for a period of at least two (2) years. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.

11. Removal of the nursing license(s)/credential from limitation/probation will depend on compliance with all terms and conditions stated in this order. If all terms are met, and if she has not committed any act during the limited/probated period that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared. Even after all requirements of this Agreed Order have been met, Ms. Moore may be restricted to a single state license pursuant to the Nurse Licensure Compact provisions applicable to felonies, practice-related misdemeanors, or uncleared disciplinary actions.
12. This Agreed Order, when signed by Ms. Moore and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.
13. Ms. Moore hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.
14. All provisions and conditions of this order shall carry over to any nursing license(s)/credential in Kentucky that she receives, including pursuant to any multistate nursing licensure compact with the Board.

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Teresa R. Layne Moore
Teresa R. Layne Moore

Subscribed and Sworn to before me this 21 day of
June 2019 by Teresa R. Layne Moore.

Notary Public Tracie Holder

State of Kentucky

My Commission expires October 20, 2022

SEAL

TRACIE L. HOLDER
NOTARY PUBLIC
STATE AT LARGE
KENTUCKY
ID # 609989

(BOARD SEAL)

Pamela C. Hagan, MSN, RN
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on

June 28, 2019

REC'D

JUN 21 2019

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113-06-19

KENTUCKY BOARD OF NURSING

**AGREED ORDER
CASE # 2017-1808**

IN RE: KIM BREWER COX

**RN LICENSE # 1057798
APRN LICENSE # 3003257**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Kim Brewer Cox has violated KRS Chapter 314. Kim Brewer Cox, hereinafter referred to as Ms. Cox, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Cox agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

Information was received in the Board office on July 5, 2017, from the Office of Inspector General (OIG), Frankfort, Kentucky, indicating that Ms. Cox's controlled substance prescribing practices warranted further investigation. Ms. Cox, advanced practice registered nurse (APRN), is the owner of Mountain Family Practice located in Manchester, Kentucky. On July 12, 2017, Board staff reviewed a prescriber Kentucky All Scheduled Prescriber Electronic Report (KASPER) including prescribing issues reported in the OIG report.

On July 19, 2017, an administrative complaint was entered against Ms. Cox and requested she provide nineteen (19) complete patient charts. The complaint also identified eleven (11) patients for whom thirty-two (32) specific prescription records were requested.

An expert witness reviewed initial patient records submitted by Ms. Cox as well as additional supplemental records. The findings of the report indicated that often the first (1st) line of treatment for pain in this family practice was the prescribing of a controlled substance, specifically Norco, a Schedule II controlled substance verses an nonsteroidal anti-inflammatory drug (NSAID). Physical exams for functional mobility were lacking measureable assessments for the monitoring and justifying use of long-term opioid management. Specifically, one (1) patient was seen eleven (11) times by this provider and all patient encounters, including intake, related only to pain and anxiety management, not to any of the patient's co-morbidities, hypertension or diabetes mellitus conditions. In addition, Ms. Cox treated and continued to prescribe controlled substances to another patient, which tested positive on two (2) separate occasions for Methamphetamine. The patient record reflects that Ms. Cox counseled the patient but there was no change in the medication regimen nor any justification for the continued prescribing of controlled substances.

Additionally, Ms. Cox authorized fifteen (15) controlled substance prescriptions for quantities and/or refills that exceeded applicable APRN prescribing limits.

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The Board acknowledges receipt of the following: Kentucky All Scheduled Prescriber Electronic Report dated July 10, 2015 – July 10, 2017; pertinent patient medical records; initial response from Ms. Cox's attorney received September 1, 2017; a binder from Ms. Cox's attorney with proof of education courses completed received on October 20, 2017; initial expert witness report received on November 20, 2017; a supplemental response from Ms. Cox's attorney on her behalf on August 20, 2018; a supplemental expert witness report received on November 6, 2018; a letter from Ms. Cox's attorney on her behalf in response to the expert witness report received on February 21, 2019; and seven (7) letters of recommendation.

Ms. Cox acknowledges these actions are in violation of KRS 314.091(1).

The Board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:...

* * *

(d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

(h) has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records;

* * *

(j) has violated any of the provisions of this chapter [including 314.011(8), 314.021(2) and 314.095]; [and]

* * *

(l) has violated any administrative regulation promulgated by the Board [including 201 KAR 20:057 and 201 KAR 20:059].

In addition to the above-cited violations, the Board has considered and determined the following facts to support the terms and conditions of this Agreed Order, as set out below:

On December 5, 2014, the Credentials Review Panel of the Board reviewed a complaint against Ms. Cox involving improper prescribing practices of controlled substances. A letter of concern was issued.

Ms. Cox has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. Ms. Cox understands and agrees to the following conditions for the limited purpose of this Agreed Order:

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1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. All terms of the Agreed Order will begin immediately upon entry of this Agreed Order.
3. A reprimand is issued by the Board, which expresses concern regarding the seriousness of her inappropriate prescribing actions.
4. She will pay a civil penalty of one thousand dollars (\$1000) to the Board within six (6) months of the effective date of this Agreed Order.
5. She will provide evidence of successful completion of the course entitled "Prescribing Controlled Drugs" offered by The Center for Professional Health at Vanderbilt University Health Center, Nashville, Tennessee, telephone number (615) 936-0678 **(Completed on October 20, 2017)**.
6. She will provide evidence of successful completion of the course entitled, "Medical Record Keeping" offered by The Center for Personalized Education for Physicians, Denver, Colorado, telephone number (303) 577-3232 **(Completed on September 21, 2018)**.
7. Until notified in writing by the Board that the requirements set forth in this Agreed Order have been satisfied, she will notify Board staff in writing within fifteen (15) days of any of the following occurrences: any pending disciplinary action related to any professional license or credential by any other jurisdiction; any pending investigation related to any professional license or credential by any other jurisdiction; admission into a monitoring program; any non-compliance issue related to monitoring related to any professional license or credential by any other jurisdiction; any criminal arrest; any misdemeanor or felony charge; entry into any pretrial diversion agreement; any criminal indictment; any guilty plea in a misdemeanor or felony case; or any misdemeanor or felony conviction.
8. Submission of fraudulent documents or reports, misrepresentation of facts relating to the conditions of this order, any violation of state or federal law that endangered any person or failure to comply with any requirement of this order will constitute violation of the order.
9. Ms. Cox agrees and acknowledges that she may make a written request for voluntary surrender of the nursing license(s)/privilege to practice/credential during the period of time she is on monitoring, indicating that she is unable to comply with the terms and conditions of the Agreed Order. Any written request for voluntary surrender will subject Ms. Cox to additional disciplinary action pursuant to the terms of this Agreed Order. The voluntary surrender will begin upon entry of the order and will continue

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until all requirements of this Agreed Order have been met. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/privilege to practice/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.

10. Ms. Cox agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/privilege to practice/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Ms. Cox has violated this Agreed Order, notice of intent to suspend or deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Cox in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing and will result in suspension or denial of reinstatement with notification by mail. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue until all requirements of this Agreed Order have been met. Reinstatement of the nursing license(s)/privilege to practice/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
11. This Agreed Order, when signed by Ms. Cox and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow the standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.
12. She hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.
13. All provisions and conditions of this order shall carry over to any license(s)/privilege to practice/credential in Kentucky that she receives, including pursuant to any multistate nursing licensure compact with the Board.
14. Removal of the nursing license(s)/privilege to practice/credential from active discipline will depend on compliance with all terms and conditions stated in this order. If all terms and conditions met, and if she has not committed any act prior to completion of all requirements stated in this Agreed Order that would be grounds for disciplinary action,

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pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous discipline cleared.

15. Even after all requirements of this Agreed Order have been met, Ms. Cox may be restricted to a single state license pursuant to the Nurse Licensure Compact provisions applicable to felonies, practice-related misdemeanors, or uncleared disciplinary action.



Kim Brewer Cox

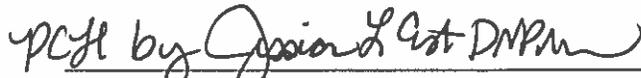
Subscribed and Sworn to before me this 20th day of
June, 2019 by Kim Brewer Cox.

Notary Public Lori A. Koretski
State of Ky
My Commission expires 5/10/2020

Lori A. Koretski
Notary Public, ID No. 556794
State at Large, Kentucky
My Commission Expires 5/10/2020

SEAL

(BOARD SEAL)



PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on
June 28, 2019.

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KENTUCKY BOARD OF NURSING

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AGREED ORDER
CASE #'s 2018-1526 & 2019-1066

IN RE: MISTY NICOLE BIRDSONG

LPN LICENSE # 2050159
(ITS 8/31/2018)

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Misty Nicole Birdsong has violated KRS Chapter 314. Misty Nicole Birdsong, hereinafter referred to as Ms. Birdsong, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Birdsong agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

On June 7, 2018, the Board received a consumer complaint indicating that Ms. Birdsong was treated as a patient with health complications due to intravenous drug use.

The Board determined that there was reasonable cause to believe Ms. Birdsong was unable to practice nursing with reasonable skill and safety. An Immediate Temporary Suspension (ITS) of Ms. Birdsong's licensed practical nurse license was issued on August 31, 2018, in order to protect the public.

Ms. Birdsong admitted in her letter of explanation, received January 15, 2019, to using intravenous morphine for several months.

On January 15, 2019, Ms. Birdsong attended an investigative meeting at the Board office and stated she had been using morphine for approximately two (2) months to help her sleep after working night shifts, approximately three (3) times per week. Ms. Birdsong admitted to possibly having worked while under the influence. Ms. Birdsong denies diversion from her workplace, Signature HealthCARE, Louisville, Kentucky. Ms. Birdsong stated that she worked as a licensed practical nurse at Signature HealthCARE from September 1, 2018, through October 13, 2018, without a current active nursing license. On October 15, 2018, her employment was terminated for working without a valid licensed practical nurse license.

On February 25, 2019, Board staff received verification from Signature HealthCARE that Ms. Birdsong's last day worked was October 13, 2018. Board staff filed an administrative complaint, case number 2019-1066, regarding Ms. Birdsong's employment without a current active nursing license.

The Board acknowledges receipt of the following: Ms. Birdsong's in-patient medical record on August 22, 2018; and a mental health/substance use disorder evaluation from Ann Minch, Louisville, Kentucky on December 27, 2018, indicating a low probability of

substance use disorder and recommending completion of an alcohol/drug education class.

Ms. Birdsong acknowledges these actions are in violation of KRS 314.091(1).

The Board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:...

- (d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

- (f) abuses controlled substances, prescription medications, illegal substances, or alcohol;

* * *

- (j) has violated any of the provisions of this chapter; [and]

* * *

- (p) has used or been impaired as a consequence of the use of alcohol or drugs while practicing as a nurse.

Ms. Birdsong has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. Ms. Birdsong understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. Evidence that Ms. Birdsong has committed any violation of KRS Chapter 314 during the period of suspension will be considered at the time of her application for reinstatement of the nursing license(s)/credential and may be grounds for additional disciplinary action.

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Agreed Order
Misty Nicole Birdsong
Page 3 of 8

3. All terms of the Agreed Order will begin immediately upon processing of the application for licensure. She will not be eligible for a multistate license during the period of monitoring, and until authorized pursuant to the Nurse Licensure Compact.
4. When this Agreed Order becomes effective, Ms. Birdsong's nursing license(s)/credential will be placed on limited/probated status for a period of at least two (2) years of employment as a licensed practical nurse.
5. The period of limitation/probation will continue until she has been employed as a licensed practical nurse for a period of at least two (2) years, and until all other terms of this order are satisfied.
6. Periods of time in which Ms. Birdsong is not employed as a licensed practical nurse will be excluded from the computation of probationary time.
7. Employment in fields other than nursing or a period of unemployment does not relieve her of compliance with all other terms and conditions of this order.
8. While on limitation/probation Ms. Birdsong:
 - a) agrees to maintain current nursing license(s)/credential in Kentucky or another jurisdiction while under the terms of this order, and acknowledges that the inability to obtain a license in another jurisdiction may subject her to additional disciplinary action;
 - b) agrees not to practice nursing in any other state which is a party to the Nurse Licensure Compact without obtaining a single state license from the nursing regulatory authority in the party state in which she wishes to practice;
 - c) agrees to notify Board staff in writing within fourteen (14) days if she applies for nursing licensure in another jurisdiction;
 - d) may not be employed in a nursing position that requires her to provide direct patient care in the following settings: private duty, nurse registry, temporary nurse employment agency, or home health care;
 - e) may not be scheduled to work more than eighty-eight (88) hours per two-week period. The nursing position may be a full-time or a part-time position but must require her to work at least thirty-two (32) hours per month;
 - f) will provide a complete copy of this order to all potential nursing employers including, but not limited to, nursing recruiters or human resources staff during the interview process;

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- g) will provide a complete copy of this order to her immediate nursing manager or supervisor and will have the nursing manager or supervisor acknowledge to Board staff in writing that she has provided them a copy of this order within fourteen (14) days. She will have the nursing manager or supervisor discuss the terms of this order with Board staff within fourteen (14) days of employment. She will notify Board staff in writing if there is a change of nursing managers or supervisors;
- h) will provide a complete copy of this order to her counselor, and will have the counselor acknowledge to Board staff in writing that she has provided them a copy of this order within sixty (60) days, if applicable;
- i) will provide a complete copy of this order to her probation/parole officer, and will have the probation/parole officer acknowledge to Board staff in writing that she has provided them a copy of this order within sixty (60) days, if applicable;
- j) will provide a complete copy of this order immediately to the program of nursing administration, if enrolled in such, and will have the program acknowledge to Board staff in writing that she has provided the school with a complete copy of the order within sixty (60) days;
- k) may not work without, and will provide any and all patient care, only if a registered nurse or physician with an unencumbered license is physically present on the facility grounds and readily available to provide assistance and intervention if necessary during the full term of practice on limited/probated status;
- l) will not have access to, be responsible for, or administer controlled substances during the first six (6) months of practice on limited/probated status;
- m) will prepare, administer, and document administration of controlled substances only under the on-site supervision of a registered nurse or physician with an unencumbered license during the during the remainder eighteen (18) months of practice on limited/probated status;
- n) may not be employed in a managerial or supervisory position during the two (2) years of practice on limited/probated status;
- o) will have written reports submitted by her nursing employer(s), as determined by Board staff. Report forms will be made available for this purpose. The employer(s) will verify Ms. Birdsong's compliance with each practice limitation on each report;
- p) will have written reports submitted by her therapeutic counselor(s) or primary therapist of compliance with recommendations stated ^{herein} ~~herein~~, until

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- documented release from counseling, as determined by Board staff, if applicable;
- q) will have written reports submitted by her health care practitioner(s) with current plan of treatment, pain management agreement, medication assisted treatment, and controlled substance agreements, including compliance, and her ability to continue in nursing practice, as determined by Board staff, if applicable;
 - r) will have written reports submitted by her program of nursing, as determined by Board staff, if applicable;
 - s) will have written reports submitted by her probation/parole officer, if a criminal conviction is entered, until documented release from probation/parole/diversion, as determined by Board staff, unless the probation/parole officer specifically advises Board staff of his or her refusal to provide written reports, in which case verbal reports shall be accepted;
 - t) agrees that an employer report of substantiated unsafe nursing practice, noncompliance with any of the limitations placed on her practice, evidence of substance abuse, a counselor's or primary therapist's report of noncompliance with the therapeutic plan of care, or a report of noncompliance with court ordered probation or diversion constitutes evidence of a violation of the terms of this order;
 - u) will submit verification, as determined by Board staff, of attendance at least two (2) times weekly at a 12-step program support group;
 - v) agrees to have at least twice (2) weekly contact with her sponsor, and provide verification as determined by Board staff;
 - w) will submit random biological materials for drug/alcohol testing utilizing the drug screening program designated by the Board and as requested by her employer(s), Board staff, counselor(s), or therapist(s) until notified in writing by the Board that all requirements set forth in this agreement have been satisfied. Ms. Birdsong will register with the drug screening program within fifteen (15) days of the effective date of this order and comply with all requirements of the drug screening program concerning random alcohol and drug testing. All testing will be at Ms. Birdsong's expense. A GC/MS (gas chromatography/mass spectrometry) or LC/MS (liquid chromatography/mass spectrometry) confirmed drug screen indicating the ingestion, inhalation, or absorption of any non-prescribed mood-altering substance, alcohol, poppy seeds, hemp, or cannabidiol (CBD) products constitutes evidence of violation of the terms of this order. She agrees and understands that hand sanitizer,

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lotions, cosmetics, and over-the-counter liquids and syrups contain ethyl alcohol, unless the packaging materials include the words "alcohol-free";

- x) will remain free of all mood-altering substances, alcohol, over-the-counter medications containing alcohol, poppy seeds, hemp, or cannabidiol (CBD) products until notified in writing by the Board that all requirements set forth in this Agreed Order have been satisfied. If Ms. Birdsong is prescribed any mood-altering medications, such use is permitted, and it is her responsibility to ensure the prescribing practitioner has full knowledge of her history of substance/alcohol use. She must obtain from the prescribing practitioner written verification of all recommended, dispensed, or prescribed medications and submit to Board staff within five (5) days. Report forms will be made available for this purpose. A consultation with an advanced practice registered nurse who specializes in substance use disorder, a physician who specializes in substance use disorder, or a physician addictionologist may be required;
- y) will submit to Board staff, upon request, a list of the health care practitioners who are providing health care to her and who are prescribing any medication for her use, including a list of all medications, including over the counter medications;
- z) will meet with Board staff in the Kentucky Board of Nursing office or at a designated location as requested. Board staff will determine the frequency of the meetings and Ms. Birdsong will abide by that determination;
- aa) will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220 on Substance Use Disorder within six (6) months of the effective date of this order. The thirty (30) contact hours are to be in addition to the continuing education requirement for reinstatement or renewal of the nursing license(s);
- bb) will pay a civil penalty of one thousand eight hundred dollars (\$1800) to the Board by December 31, 2020;
- cc) will notify Board staff in writing of any change of name, address, nursing employment, termination of employment as a nurse, or expulsion from a program of nursing within fifteen (15) days of the event;
- dd) will notify Board staff in writing of any change in probation/parole officer or therapist/counselor within fifteen (15) days of the event, if applicable;
- ee) will notify Board staff in writing of any disciplinary action, pending investigation, admission into a monitoring program, or noncompliance issues related to monitoring in another jurisdiction within fifteen (15) days of the event; [and]

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- ff) will notify Board staff in writing of any criminal arrest, charge, pretrial diversion, indictment, guilty plea, or conviction within fifteen (15) days of the event.
8. Submission of fraudulent documents or reports; misrepresentation of facts relating to the terms and conditions of this order; any violation of state or federal law that endangered any person; or failure or inability to comply with any requirement of this order within ninety-six (96) months will constitute violation of the order.
9. Ms. Birdsong agrees and acknowledges that she may make a written request for voluntary surrender of the nursing license(s)/credential during the period of time she is on limitation/probation, indicating that she is unable to comply with the terms and conditions of the order. Any written request for voluntary surrender will subject Ms. Birdsong to additional disciplinary action pursuant to the terms of this order. The voluntary surrender will begin upon entry of the order and will continue for a period of at least two (2) years. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
10. Ms. Birdsong agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Ms. Birdsong has violated this Agreed Order, notice of intent to suspend/deny reinstatement will be issued to her. From the date this notice is mailed to Ms. Birdsong in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing, and will result in suspension or denial of reinstatement, with notification by mail. The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue for a period of at least two (2) years. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
11. Removal of the nursing license(s)/credential from limitation/probation will depend on compliance with all terms and conditions stated in this order. If all terms are met, and if she has not committed any act during the limited/probated period that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous disciplinary action cleared. Even after all requirements of this Agreed Order have been met, Ms.

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Birdsong may be restricted to a single state license pursuant to the Nurse Licensure Compact provisions applicable to felonies, practice-related misdemeanors, or uncleared disciplinary actions.

12. This Agreed Order, when signed by Ms. Birdsong and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.

13. Ms. Birdsong hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.

14. All provisions and conditions of this order shall carry over to any nursing license(s)/credential in Kentucky that she receives, including pursuant to any multistate nursing licensure compact with the Board.

Misty Nicole Birdsong
Misty Nicole Birdsong

Subscribed and Sworn to before me this 19th day of June, 2019 by Misty Nicole Birdsong.

Notary Public Leidyana C. Brewer
State of Kentucky

My Commission expires Nov 21, 2020

Notary Public, State at Large, KY
My commission expires Nov. 21, 2020



(BOARD SEAL)

PCH by Pamela C. Hagan, Esq. DMD Executive Director
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on June 28, 2019.

REC'D

JUN 24 2019

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KENTUCKY BOARD OF NURSING**AGREED ORDER
CASE # 2018-0962****IN RE: MARK JEFFREY ADKINS****RN LICENSE # 1118455
APRN LICENSE # 3005798**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Mark Jeffrey Adkins has violated KRS Chapter 314. Mark Jeffrey Adkins, hereinafter referred to as Mr. Adkins, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Mr. Adkins agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

Information was received in the Board office on February 15, 2018, from the Office of Inspector General (OIG), Frankfort, Kentucky, indicating Mr. Adkins is an advanced practice registered nurse (APRN) employed by Slim & Tim Weight Loss Clinic, South Shore, Kentucky. The OIG report was concerned with the number of patients seen in a short period of time, that patients were from out of state, and that Phentermine, a Schedule IV controlled substance was being dispensed from office stock.

On March 9, 2018, an administrative complaint was entered against Mr. Adkins and requested he provide twenty-six (26) complete patient charts. The complaint also alleged that Mr. Adkins' dispensing practices violate the prohibition on APRN dispensing of controlled substances.

An expert witness reviewed all patient records that were submitted by Mr. Adkins. The findings of the report indicated that the medical records were illegible, lab values were sparse, no behavioral counseling recommendations were noted, there was an overall lack of individual care planning for patients, and the prescribing of Phentermine was excessive and beyond its intended short term use.

On March 4, 2019, during an investigative meeting at the Board office, Mr. Adkins agreed with aspects of the expert witness report. Mr. Adkins has encouraged the practice to implement electronic medical records and stated the practice had made changes to reflect improvements based on the expert report. The physicians with whom employ Mr. Adkins verified that he does not dispense any controlled substances from office stock, and that, since receiving the complaint, a physician has been making all decisions regarding dispensing of controlled substances.

The Board acknowledges receipt of the following: Kentucky All Scheduled Prescriber Electronic Report dated February 26, 2016, - February 26, 2018; pertinent patient medical records; a response to the complaint from Mr. Adkins' attorney on his behalf on April 11, 2018; expert witness report December 14, 2018; and a response from Mr. Adkins'

Agreed Order
Mark Jeffrey Adkins
Page 2 of 5

attorney on his behalf February 25, 2019, which included two (2) letters of recommendation from physicians.

Mr. Adkins acknowledges these actions are in violation of KRS 314.091(1).

The Board shall have power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:...

* * *

- (d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

- (h) has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records;

* * *

- (j) has violated any of the provisions of this chapter; [including 314.011(8) and 314.021(2)]; [and]

* * *

- (l) has violated any administrative regulation promulgated by the Board [including 201 KAR 20:057].

Mr. Adkins has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. Mr. Adkins understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, he waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against him.
2. All terms of the Agreed Order will begin immediately upon entry of this Agreed Order.
3. A reprimand is issued by the Board, which expresses concern regarding the seriousness of his inappropriate prescribing actions.
4. He will pay a civil penalty of one thousand dollars (\$1,000) to the Board within six (6) months of the effective date of this Agreed Order.

5. He will provide evidence of successful completion of the course entitled "Prescribing Controlled Drugs" offered by The Center for Professional Health at Vanderbilt University Health Center, Nashville, Tennessee, telephone number (615) 936-0678 within six (6) months of the effective date of this Agreed Order.
6. He will provide evidence of successful completion of the course entitled, "Medical Record Keeping" offered by The Center for Personalized Education for Physicians, Denver, Colorado, telephone number (303) 577-3232, within six (6) months of the effective date of this Agreed Order.
7. Until notified in writing by the Board that the requirements set forth in this Agreed Order have been satisfied, he will notify Board staff in writing within fifteen (15) days of any of the following occurrences: any pending disciplinary action related to any professional license or credential by any other jurisdiction; any pending investigation related to any professional license or credential by any other jurisdiction; admission into a monitoring program; any non-compliance issue related to monitoring related to any professional license or credential by any other jurisdiction; any criminal arrest; any misdemeanor or felony charge; entry into any pretrial diversion agreement; any criminal indictment; any guilty plea in a misdemeanor or felony case; or any misdemeanor or felony conviction.
8. Submission of fraudulent documents or reports, misrepresentation of facts relating to the conditions of this order, any violation of state or federal law that endangered any person or failure to comply with any requirement of this order will constitute violation of the order.
9. Mr. Adkins agrees and acknowledges that he may make a written request for voluntary surrender of the nursing license(s)/privilege to practice/credential during the period of time he is on monitoring, indicating that he is unable to comply with the terms and conditions of the Agreed Order. Any written request for voluntary surrender will subject Mr. Adkins to additional disciplinary action pursuant to the terms of this Agreed Order. The voluntary surrender will begin upon entry of the order and will continue until all requirements of this Agreed Order have been met. Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/privilege to practice/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
10. Mr. Adkins agrees and acknowledges that his failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/privilege to practice/credential or denial of reinstatement of a lapsed, invalidated, or expired license(s)/privilege to practice/credential. Should Board staff determine that Mr. Adkins has violated this Agreed Order, notice of intent to suspend or deny reinstatement will be issued to him. From the date this notice is mailed to Mr. Adkins in accordance with KRS 314.107, he shall have twenty (20)

calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing and will result in suspension or denial of reinstatement with notification by mail. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue until all requirements of this Agreed Order have been met. Reinstatement of the license(s)/privilege to practice/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.

11. This Agreed Order, when signed by Mr. Adkins and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow the standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.
12. He hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.
13. All provisions and conditions of this order shall carry over to any license(s)/privilege to practice/credential in Kentucky that he receives, including pursuant to any multistate nursing licensure compact with the Board.
14. Removal of the nursing license(s)/privilege to practice/credential from active discipline will depend on compliance with all terms and conditions stated in this order. If all terms and conditions met, and if he has not committed any act prior to completion of all requirements stated in this Agreed Order that would be grounds for disciplinary action pursuant to KRS Chapter 314, the disciplinary action stated herein will be reported as previous disciplinary action cleared.

Mark Jeffrey Adkins
Mark Jeffrey Adkins

Subscribed and Sworn to before me this 22 day of
June, 2019 by Mark Jeffrey Adkins.

Notary Public Mark Jeffrey Adkins
State of West Virginia
My Commission expires 12-7-2022



(BOARD SEAL)

Pamela C. Hagan
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Agreed to and entered by the Board on
June 28, 2019.

**KENTUCKY BOARD OF NURSING
CONSUMER PROTECTION COMMITTEE
CONSENT DECREE AUDIT
(January 1, 2019 - June 30, 2019)**

Licensee Name	License Number	Investigator
Margaret E Jones	LPN License 2039185	Chrissy Blazer
Catherine Delph Hukle	LPN License 2031229	Bonnie Fenwick
Ashton Faith Jones	LPN License 2051802	Denise Vittitow
Jaclyn Marie Culver	RN License 1098624 APRN 3003956	Debbie Seely
Starr Brown	LPN License 2044753	Denise Vittitow
Kelli Nichole Vinyard Griffin	RN License 1143322 LPN 2043126	Lisa Dunsmore

KENTUCKY BOARD OF NURSING

**CONSENT DECREE
CASE # 2019-0370**

IN RE: MARGARET E. JONES

LPN LICENSE # 2039185

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to conclude that Margaret E. Jones has committed a violation of KRS Chapter 314. Margaret E. Jones, hereinafter referred to as Ms. Jones, desiring to avoid a formal administrative hearing, enters into this Consent Decree with the Board.

Ms. Jones agrees to the following statements and conditions:

1. Ms. Jones submitted an application for licensure to the Kentucky Board of Nursing on October 30, 2018. She answered "Yes" to the question "Since your last KY license was issued, have you been convicted of a misdemeanor or felony that has NOT been reported to KBN?" The Kentucky Board of Nursing has received information that Ms. Jones was convicted of the crimes:

- **Operating a Motor Vehicle Under influence of Alcohol/Drugs, 1st Offense in Adair County, Kentucky, on November 20, 2017;** and
- **Possession of Marijuana, in Adair County, Kentucky, on November 20, 2017.**

Ms. Jones acknowledged she had Marijuana in her possession and was found to be under the influence.

2. Ms. Jones acknowledges that such action was in violation of KRS 314.091(1) and KRS 314.109 which require the reporting of these convictions within ninety (90) days of the final entry of judgment.
3. This Consent Decree shall be effective and binding immediately on Ms. Jones and the Kentucky Board of Nursing when signed by both parties.
4. This Consent Decree is issued by the Board which expresses concern regarding the nature of the convictions and the seriousness of her actions in failing to report the convictions to the Board within ninety (90) days as required.
5. Ms. Jones will pay a civil penalty of two hundred fifty dollars (\$250) to the Board by February 28, 2019.
6. Ms. Jones understands that her nursing license(s)/privilege to practice/credential will remain under investigation until all terms and conditions of this Consent Decree are met

**REC'D
JAN 02 2019
KBN**

7. This Consent Decree will be maintained in her record.
8. This Consent Decree, if signed by Ms. Jones and an authorized agent for the Kentucky Board of Nursing, is public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required.
9. Ms. Jones agrees and acknowledges that her failure to comply with any of the conditions and provisions of this Consent Decree will result in denial of application or suspension of the nursing license(s)/privilege to practice/credential with notification by mail. Should Board staff determine that she has violated this Consent Decree, notice of Intent to deny/suspend will be issued to her. From the date this notice is mailed to her, in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing. The denial of application or suspension will begin on the date of the notice and will continue until all requirements of this Consent Decree have been met. Implementation of the denial of application or suspension of the nursing license(s)/privilege to practice/credential in accordance with this paragraph, will result in an additional civil penalty of six hundred dollars (\$600).
10. Ms. Jones hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.

Margaret E. Jones
Margaret E. Jones

Subscribed and Sworn to before me this 31 day of
December, 2018 by Margaret E. Jones.

REC'D
JAN 02 2019
KEN

Notary Public Angelia D. Perry #528669

State of Kentucky

My Commission expires March 15, 2019

SEAL

Pamela C. Hagan

PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Entered by the Kentucky Board of Nursing on January 7, 2019

REC'D
JAN 02 2019
KBN

**KENTUCKY BOARD OF NURSING
CONSENT DECREE
CASE # 2018-1631**

IN RE: CATHERINE DELPH HUKLE

LPN LICENSE # 2031229

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to conclude that Catherine Delph Hukle has committed a violation of KRS Chapter 314. Catherine Delph Hukle, hereinafter referred to as Ms. Hukle, desiring to avoid a formal administrative hearing, enters into this Consent Decree with the Board.

1. Ms. Hukle acknowledges the following facts:

- A. Continuing education (CE) requirement: 14 contact hours
- B. CE earning period: 11/01/2016 through 10/31/2017
- C. CE contact hours earned within correct earning period: 0
- D. CE contact hours earned outside of the correct earning period: 14
- E. Licensee met the contact hours requirement on the following date: 10/23/2018

2. Ms. Hukle acknowledges that such action was in violation of KRS 314.073 and 201 KAR 20:215.
3. Ms. Hukle will pay a civil penalty of two hundred dollars (\$200) to the Board by July 10, 2019.
4. This Consent Decree will be maintained in Ms. Hukle's record. This Consent Decree, if signed by Ms. Hukle and an authorized agent for the Kentucky Board of Nursing, is public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required.
5. Ms. Hukle understands that the continuing education used to satisfy this audit may not be used to meet any other continuing education requirement.
6. Ms. Hukle agrees and acknowledges that her's failure to comply with any of the conditions and provisions of this Consent Decree will result in denied application/suspension, or voluntary surrender if applicable, of the nursing license/privilege to practice nursing, or denial of reinstatement of a lapsed, invalidated, or expired license, with notification by mail. Should Board staff determine that she has violated this Consent Decree, notice of intent to deny/suspend will be issued to her. From the date this notice is mailed to her, in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing. The denied application/suspension/denial of reinstatement will begin on the date of the notice and will continue until all requirements of this Consent Decree have been met. Implementation of the denied application/suspension of the nursing

license/privilege to practice nursing/denial of reinstatement, in accordance with this paragraph, will result in an additional civil penalty of six hundred dollars (\$600).

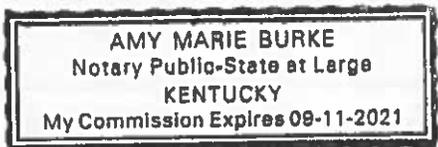
7. This Consent Decree shall be effective and binding immediately on Ms. Hukle and the Kentucky Board of Nursing when signed by both parties.

Catherine Delph Hukle
Catherine Delph Hukle

Subscribed and Sworn to before me this 17th day of
Jan., 2019 by Catherine Delph Hukle.

Notary Public *AMY BURKE*
State of ky

My Commission expires 9-11-2021



Pamela C. Hagan AP
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

REC'D
JAN 22 2019
KBN

Entered by the Kentucky Board of Nursing on January 28, 2019.

87-02-19

KENTUCKY BOARD OF NURSING**CONSENT DECREE
CASE # 2019-0400****IN RE: ASHTON FAITH JONES****LPN LICENSE # 2051802**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to conclude that Ashton Faith Jones has committed a violation of KRS Chapter 314. Ashton Faith Jones, hereinafter referred to as Ms. Jones, desiring to avoid a formal administrative hearing, enters into this Consent Decree with the Board.

Ms. Jones agrees to the following statements and conditions:

1. The Kentucky Board of Nursing has received information that Ms. Jones was convicted of the crime:
 - **Violation of Kentucky EPO/DVO, in Montgomery County, Kentucky on November 30, 2017.** Ms. Jones was ordered not to be within five hundred (500) feet of the residence of the father of her children on December 18, 2016. She was arrested on August 11, 2017 while in the parking lot of the residence.
2. Ms. Jones acknowledges that such action was in violation of KRS 314.091(1) and KRS 314.109 which requires reporting of the conviction within ninety (90) days of entry of the final judgement.
3. This Consent Decree shall be effective and binding immediately on Ms. Jones and the Kentucky Board of Nursing when signed by both parties.
4. This Consent Decree is issued by the Board which expresses concern regarding the nature of the conviction and the seriousness of her action in failing to report the conviction within ninety (90) days to the Board as required.
5. Ms. Jones will pay a civil penalty of two hundred fifty dollars (\$250) to the Board by Monday, April 29, 2019.
6. Ms. Jones understands that her nursing license(s)/privilege will remain under investigation until all terms and conditions of this Consent Decree are met.
7. This Consent Decree will be maintained in her record.
8. This Consent Decree, if signed by Ms. Jones and an authorized agent for the Kentucky Board of Nursing, is public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required.

Consent Decree
Ashton Faith Jones
Page 2 of 2

9. Ms. Jones agrees and acknowledges that her failure to comply with any of the conditions and provisions of this Consent Decree will result in denial of application or suspension of the nursing license/privilege to practice/credential with notification by mail. Should Board staff determine that she has violated this Consent Decree, notice of intent to deny/suspend will be issued to her. From the date this notice is mailed to Ms. Jones, in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing. The denial of application or suspension will begin on the date of the notice and will continue until all requirements of this Consent Decree have been met. Implementation of the denial of application or suspension of the nursing license/privilege to practice/credential, in accordance with this paragraph, will result in an additional civil penalty of six hundred dollars (\$600).

10. Ms. Jones hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.

Ashton Faith Jones
Ashton Faith Jones

Subscribed and Sworn to before me this 11 day of Feb, 2019 by Ashton Faith Jones.

Notary Public *Joe Beshgen*

SEAL State of *Ky*

My Commission expires *0506-22*

Pamela C. Hagan DP
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Entered by the Kentucky Board of Nursing on *February 11*, 2019.

KENTUCKY BOARD OF NURSING**CONSENT DECREE
CASE # 2019-0819****RE: JACLYN MARIE CULVER****RN LICENSE # 1098624
(LAPSED 10/31/2018)
APRN LICENSE # 3003956
(LAPSED 10/31/2018)**

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to conclude that Jaclyn Marie Culver has committed a violation of KRS Chapter 314. Jaclyn Marie Culver, hereinafter referred to as Ms. Culver, desiring to avoid a formal administrative hearing, enters into this Consent Decree with the Board.

Ms. Culver, agrees to the following statements and conditions:

1. Ms. Culver worked in the position of Advanced Practice Registered Nurse in the Commonwealth of Kentucky from November 1, 2018 until February 18, 2019 without a current, active nursing license issued by the Kentucky Board of Nursing in accordance with KRS Chapter 314, and acknowledges that such actions were in violation of KRS Chapters 314.031(1) and KRS 314.071.
2. Ms. Culver has not worked as a nurse in Kentucky since February 18, 2019.
3. This Consent Decree shall be effective and binding immediately on Ms. Culver and the Kentucky Board of Nursing when signed by both parties.
4. Ms. Culver will pay a civil penalty of eight hundred dollars (\$800) to the Board by June 7, 2019.
5. Ms. Culver understands that her nursing license(s)/privilege to practice/credential will remain under investigation, and any application will not be released for processing, until all terms and conditions of this Consent Decree are met.
6. This Consent Decree will be maintained in her record.
7. This Consent Decree, when signed by Ms. Culver and an authorized agent for the Kentucky Board of Nursing, is public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required.
8. Ms. Culver agrees and acknowledges that her failure to comply with any of the conditions and provisions of this Consent Decree will result in denial of application or suspension of the nursing license(s)/privilege to

Consent Decree
Jaclyn Marie Culver
Page 2 of 2

practice/credential with notification by mail. Should Board staff determine that she has violated this Consent Decree, notice of intent to deny/suspend will be issued to her. From the date this notice is mailed to Ms. Culver, in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing. The denial of application/suspension will begin on the date of the notice and will continue until all requirements of this Consent Decree have been met. Implementation of the denial of application or suspension of the nursing license(s)/privilege to practice/credential, in accordance with this paragraph, will result in an additional civil penalty of six hundred dollars (\$600).

9. Ms. Culver hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.

Jaclyn Marie Culver
Jaclyn Marie Culver

Subscribed and Sworn to before me this 7 day of
March, 2019 by Jaclyn Marie Culver.

Notary Public Karen Denise Huff
State of Kentucky
My Commission expires December 15, 2021

SEAL

Pamela C. Hagan BSN
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Entered by the Kentucky Board of Nursing on March 7, 2019.

KENTUCKY BOARD OF NURSING

163-04-19

CONSENT DECREE
CASE # 2018-1546

IN RE: STARR BROWN

LPN LICENSE # 2044753

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to conclude that Starr Brown has committed a violation of KRS Chapter 314. Starr Brown, hereinafter referred to as Ms. Brown, desiring to avoid a formal administrative hearing, enters into this Consent Decree with the Board.

Ms. Brown agrees to the following statements and conditions:

1. The Board received information that Ms. Brown practiced outside of her nursing practice scope by assisting with the use of fluoroscopy.
2. She acknowledges that such actions were in conflict with KRS 314.091(1) and 314.021(2).
3. The Credentials Review Panel of the Board reviewed this matter on February 21, 2019, and recommended that staff seek the issuance of a Consent Decree.
4. This Consent Decree shall be effective and binding immediately on Ms. Brown and the Kentucky Board of Nursing when signed by both parties.
5. Ms. Brown will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220 on Nursing Scope of Practice by September 5, 2019. The thirty (30) contact hours are to be in addition to the continuing competency requirement for reinstatement or renewal of the nursing license(s)/privilege to practice.
6. Ms. Brown understands that her nursing license(s)/privilege to practice/credential will remain under investigation until all terms and conditions of this Consent Decree are met.
7. This Consent Decree will be maintained in her record.
8. This Consent Decree, when signed by Ms. Brown and an authorized agent for the Kentucky Board of Nursing, is public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required.
9. Ms. Brown agrees and acknowledges that her failure to comply with any of the conditions and provisions of this Consent Decree will result in denial of application or suspension of the nursing license(s)/privilege to practice/credential with notification by mail. Should Board staff determine that she has violated this

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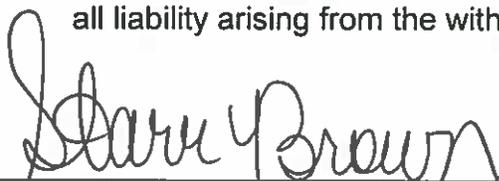
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Consent Decree
Starr Brown
Page 2 of 2

Consent Decree, notice of intent to deny/suspend will be issued to her. From the date this notice is mailed to Ms. Brown, in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing. The denial of application/suspension will begin on the date of the notice and will continue until all requirements of this Consent Decree have been met. Implementation of the denial of application or suspension of the nursing license(s)/privilege to practice/credential, in accordance with this paragraph, will result in an additional civil penalty of six hundred dollars (\$600).

10. Ms. Brown hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.



Starr Brown

Subscribed and Sworn to before me this 19 day of

April by Starr Brown.

Notary Public Alice Wrayman #595500

SEAL

State of Kentucky

My Commission expires 2/19/22



PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

Entered by the Kentucky Board of Nursing on April 23, 2019

REC'D

APR 22 2019

KBN

KENTUCKY BOARD OF NURSING

JUN 05 2019

CONSENT DECREE
CASE # 2017-1266

KBN

IN RE: KELLI NICHOLE VINYARD GRIFFIN

RN LICENSE # 1143322
LPN LICENSE # 2043126
(LAPSED 10/31/2015)

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to conclude that Kelli Nichole Vinyard Griffin has committed a violation of KRS Chapter 314. Kelli Nichole Vinyard Griffin, hereinafter referred to as Ms. Griffin, desiring to avoid a formal administrative hearing, enters into this Consent Decree with the Board.

Ms. Griffin agrees to the following statements and conditions:

1. The Board received information that Ms. Griffin's conduct was unprofessional in her interaction with the family of a patient.
2. She acknowledges that such actions were in conflict with KRS 314.091(1) and 314.021(2).
3. The Credentials Review Panel of the Board reviewed this matter on December 6, 2018, and recommended that staff seek the issuance of a Consent Decree.
4. This Consent Decree shall be effective and binding immediately on Ms. Griffin and the Kentucky Board of Nursing when signed by both parties.
5. Ms. Griffin will pay a civil penalty of two hundred fifty dollars (\$250) to the Board by August 30, 2019.
6. Ms. Griffin will provide evidence of successful completion of at least thirty (30) contact hours by a provider that meets the requirements of 201 KAR 20:220, specifically, fifteen (15) contact hours on Professional Conduct in Nursing and fifteen (15) contact hours on Legal and Ethical Issues in Nursing by August 30, 2019. The thirty (30) contact hours are to be in addition to the continuing competency requirement for reinstatement or renewal of the nursing license(s)/privilege to practice/credential.
7. Ms. Griffin understands that her nursing license(s)/privilege to practice/credential will remain under investigation until all terms and conditions of this Consent Decree are met.
8. This Consent Decree will be maintained in her record.
9. This Consent Decree, when signed by Ms. Griffin and an authorized agent for the Kentucky Board of Nursing, is public information and can be disseminated

Consent Decree
Kelli Nichole Vinyard Griffin
Page 2 of 2

according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required.

10. Ms. Griffin agrees and acknowledges that her failure to comply with any of the conditions and provisions of this Consent Decree will result in denial of application or suspension of the nursing license(s)/privilege to practice/credential with notification by mail. Should Board staff determine that she has violated this Consent Decree, notice of intent to deny/suspend will be issued to her. From the date this notice is mailed to Ms. Griffin, in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing. The denial of application/suspension will begin on the date of the notice and will continue until all requirements of this Consent Decree have been met. Implementation of the denial of application or suspension of the nursing license(s)/privilege to practice/credential, in accordance with this paragraph, will result in an additional civil penalty of six hundred dollars (\$600).

11. Ms. Griffin hereby releases the Kentucky Board of Nursing, its members, employees, agents, contractors, and officers, jointly and severally, from any and all liability arising from the within matter.

Kelli Nichole Griffin
Kelli Nichole Vinyard Griffin

Subscribed and Sworn to before me this 3rd day of

June, 2019 by Kelli Nichole Vinyard Griffin.

Notary Public Angela M. Robinson
State of Kentucky
My Commission expires 9-24-21



Pamela C. Hagan / SBW
PAMELA C. HAGAN, MSN, RN
ACTING EXECUTIVE DIRECTOR
KENTUCKY BOARD OF NURSING

REC'D

JUN 05 2019

KBN

Entered by the Kentucky Board of Nursing on June 6, 2019.

**KENTUCKY BOARD OF NURSING
CONSUMER PROTECTION COMMITTEE
NOI (March 1, 2019 - July 30, 2019)**

Licensee Name	License Number	Investigator
Mullis, Allyson Faye	2050548	Lisa Sosnin
Mittnecker, James Edward	1077785	Jacqueline Liu
Roederer, Ericka Ann Ripy	1091603	Anna Marling
Hater, Heidi Michelle Wampler	1148639; 2037254	Lisa Sosnin



KENTUCKY BOARD OF NURSING

Matthew G. Bevin
Governor

312 Whittington Parkway, Suite 300
Louisville, Kentucky 40222-5172
www.kbn.ky.gov

Phone: (502) 429-3300
(800) 305-2042
Fax: (502) 429-3311

Via Certified and Regular U.S. Mail

May 24, 2019

ALLYSON FAYE MULLIS
1002 BURNING SPRINGS DR
LOUISVILLE KY 40223

**RE: NOTICE OF INTENT TO SUSPEND LPN LICENSE # 2050546
COMPLIANCE CASE # 2019-076-CB**

Dear Ms. Mullis:

You are hereby given official Notice by the Kentucky Board of Nursing that, pursuant to the provisions of KRS 314.091 and Provision #10, page 6, of the Agreed Order entered by the Kentucky Board of Nursing on January 31, 2019, and absent a decision of the Board to the contrary, your Licensed Practical Nurse license will be suspended for a period of at least two (2) years.

The Board has obtained information indicating violations of the Agreed Order, specifically #7 (s), (t) and (u), as follows:

- You have failed to submit *Monthly Meeting Report* forms documenting attendance at three (3) twelve (12) step meetings per week for the following months: February, March and April 2019. These reports are to be submitted to the Program by the tenth (10th) day of the following month.
- You have failed to submit written verification of at least twice weekly contact with your twelve (12) step sponsor for the following months: February, March and April 2019. These reports are to be submitted to the Program by the tenth (10th) day of the following month.
- Documentation from Affinity Online Services (Affinity), the drug testing company utilized by the Board, indicates that you have failed to contact Affinity on a daily basis, as required, on the following dates: February 24, 2019; April 1, 2, 3, 8, 11, 13 – 30, 2019; May 1 - 21, 2019.
- On March 22, 2019, you sent an electronic mail message to your Case Manager, Lisa Sosnin, indicating that you wanted to surrender your LPN license. On March 27, 2019,

you sent a subsequent electronic mail message to your Case Manager, Lisa Sosnin, stating that "I want to own my own restaurant instead of becoming a nurse." "It has been really hard to find a job as a nurse. I have come to realize that with my past mistakes I will not be able to overcome and succeed in this field."

On April 3, 2019, an Agreed Order for Voluntary Surrender of your registered nursing license was mailed to your address of record with instructions to return the signed and notarized document by April 17, 2019. To date, this document has not been received in the Board office.

On April 26, 2019, you sent an electronic mail message to your Case Manager, Lisa Sosnin, stating "I have decided I don't wanna [sic] sign and have another agreed order. I just don't want my nursing license anymore nor will I ever want to practice nursing." Your Case Manager, Lisa Sosnin, responded to you and explained that by signing the Agreed Order, you were voluntarily surrendering your nursing license. You then submitted a subsequent response and stated "I'm not gunna [sic] do that so just put down non compliant or whatever you have to do."

- On April 29, 2019, a letter was mailed to your address of record informing you of various issues of non-compliance.

Provision # 10 of the Agreed Order states:

"Petitioner agrees and acknowledges that Petitioner's failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/privilege to practice/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Petitioner has violated this Agreed Order, notice of intent to suspend/deny reinstatement will be issued to Petitioner. From the date this notice is mailed to Petitioner in accordance with KRS 314.107, Petitioner shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing, and will result in suspension, with notification by mail. The suspension or denial of reinstatement will begin on the date of the notification letter and will continue for a period of at least two (2) years. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/privilege to practice/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this Order."

You may, within twenty (20) days of the date this notice was mailed, file a written request with the Staff Attorney, Legal Services Section, Kentucky Board of Nursing, requesting an administrative hearing on this matter. Failure to submit a timely written request for hearing constitutes a waiver of your hearing rights. Should you request a hearing, you are required to continue to maintain compliance with all monitoring requirements. Failure to comply with monitoring terms after requesting a hearing constitutes additional grounds for suspension or denial of reinstatement.

Allyson Faye Mullis
Notice of Intent to Suspend LPN License # 2050546
Compliance Case # 2019-076-CB
Page 3 of 3

Should you request an administrative hearing but fail to demonstrate your compliance with your Agreed Order entered on January 31, 2019, in Case # 2018-RS010 with regard to your Licensed Practical Nurse license, be advised of 201 KAR 20:162 Section 7, which states, in pertinent part: "If the order of the board is adverse to a licensee or applicant, or if the hearing is scheduled at the request of a licensee or applicant for relief from sanctions previously imposed by the board pursuant to the provisions of KRS Chapter 314, a hearing fee in an amount equal to the cost of stenographic services and the cost of the hearing officer shall be assessed against the licensee or applicant."



Pamela C. Hagan, MSN, RN
Acting Executive Director

cc: File

jmc



KENTUCKY BOARD OF NURSING

Matthew G. Bevin
Governor

312 Whittington Parkway, Suite 300
Louisville, Kentucky 40222-5172
www.kbn.ky.gov

Phone: (502) 429-3300
(800) 305-2042
Fax: (502) 429-3311

Via Certified and Regular U.S. Mail

June 28, 2019

JAMES EDWARD MITTNECKER
4604 ASH AVE
LOUISVILLE KY 40258

**RE: NOTICE OF INTENT TO SUSPEND RN LICENSE # 1077785
COMPLIANCE CASE # 2019-128-CB**

Dear Mr. Mittnecker:

You are hereby given official Notice by the Kentucky Board of Nursing that, pursuant to the provisions of KRS 314.091 and Provision #10, page 5, of the Agreed Order entered by the Kentucky Board of Nursing on April 22, 2019, and absent a decision of the Board to the contrary, your Registered Nurse license will be suspended for a period of at least two (2) years.

The Board has obtained information indicating violations of the Agreed Order, specifically # 7 (r), as follows:

- You failed to meet with Board staff in the Kentucky Board of Nursing office as requested.

On April 25, 2019, a letter was mailed to your address of record informing you that you were to meet with your Case Manager, Jacqueline Liu, for an initial monitoring meeting on Thursday, May 16, 2019, at 10:00 a.m. You failed to appear for the scheduled meeting and failed to contact Board staff to request that the meeting be rescheduled.

On May 16, 2019, a letter was mailed to your address of record requesting that you contact your Case Manager, Jacqueline Liu. On May 22, 2019, during a telephone conversation with your Case Manager, Jacqueline Liu, you indicated that you wished to voluntarily surrender your nursing license. You were advised to submit a detailed e-mail explaining why you wished to voluntarily surrender your nursing license. To date, this document has not been received in the Board office.

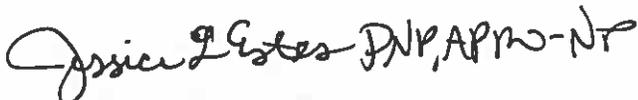
- On June 7, 2019, a letter was mailed to your address of record informing you of various issues of non-compliance.

Provision # 10 of the Agreed Order states:

"Mr. Mittnecker agrees and acknowledges that his failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Mr. Mittnecker has violated this Agreed Order, notice of intent to suspend/deny reinstatement will be issued to him. From the date this notice is mailed to Mr. Mittnecker in accordance with KRS 314.107, he shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing, and will result in suspension or denial of reinstatement, with notification by mail. The suspension or denial of reinstatement will begin on the date of the notification letter and will continue for a period of at least two (2) years. Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this Order."

You may, within twenty (20) days of the date this notice was mailed, file a written request with the Staff Attorney, Legal Services Section, Kentucky Board of Nursing, requesting an administrative hearing on this matter. Failure to submit a timely written request for hearing constitutes a waiver of your hearing rights. Should you request a hearing, you are required to continue to maintain compliance with all monitoring requirements. Failure to comply with monitoring terms after requesting a hearing constitutes additional grounds for suspension or denial of reinstatement.

Should you request an administrative hearing but fail to demonstrate your compliance with your Agreed Order entered on April 22, 2019, in Case # 2019-0403 with regard to your Registered Nurse license, be advised of 201 KAR 20:162 Section 7, which states, in pertinent part: "If the order of the board is adverse to a licensee or applicant, or if the hearing is scheduled at the request of a licensee or applicant for relief from sanctions previously imposed by the board pursuant to the provisions of KRS Chapter 314, a hearing fee in an amount equal to the cost of stenographic services and the cost of the hearing officer shall be assessed against the licensee or applicant."



Jessica L. Estes, DNP, APRN-NP
Executive Director

cc: File

jmc



KENTUCKY BOARD OF NURSING

Matthew G. Bevin
Governor

312 Whittington Parkway, Suite 300
Louisville, Kentucky 40222-5172
www.kbn.ky.gov

Phone: (502) 429-3300
(800) 305-2042
Fax: (502) 429-3311

Via Certified and Regular U.S. Mail
July 8, 2019

ERICKA ANN RIPPY ROEDERER
526 CAPITAL AVENUE
UNIT 4
FRANKFORT KY 40601

**RE: NOTICE OF INTENT TO SUSPEND RN LICENSE # 1091603
COMPLIANCE CASE # 2017-022-CB**

Dear Ms. Roederer:

You are hereby given official Notice by the Kentucky Board of Nursing that, pursuant to the provisions of KRS 314.091 and Provision #10, page 6, of the Agreed Order entered by the Kentucky Board of Nursing on September 6, 2016, and absent a decision of the Board to the contrary, your Registered Nurse license will be suspended for a period of three (3) years.

The Board has obtained information indicating violations of the Agreed Order, specifically # 7 n, r and s, as follows:

- Documentation from Affinity Online Services (Affinity), the drug testing company utilized by the Board, indicates that you have failed to contact Affinity on a daily basis, as required, on the following dates: September 19, 2016; October 2, 2016; November 19, 2016; September 28, 2017; September 5 and 16, 2018; November 9, 2018; December 27, 2018; January 21, 2019; February 22, 2019.
- Documentation from Affinity indicates that you were randomly selected for drug testing and failed to provide a specimen on the following date: January 21, 2019.
- Documentation from Affinity indicates a positive drug screen result for the following:
 - 1) Cannabinoid, Carboxy THC (>400 ng/mL; cutoff level = 10); Cocaine, Benzococgonine (2240 ng/mL; cutoff level = 150); Ethyl Glucuronide (51669 ng/mL; cutoff level = 250); and Ethyl Sulfate (16984 ng/mL; cutoff level = 75) collected on June 10, 2019.

To date, you have failed to submit a *Prescription Medication Report* form completed by an authorized prescriber verifying a prescription for your use that would account for any of the positive drug screen test result.

On June 20, 2019, you spoke with Patricia Smith, Compliance Branch Manager, via telephone and admitted to partying over the weekend of June 9, 2019. You admitting to drinking a lot and using marijuana but you did not remember using cocaine. You were advised to submit a letter of explanation to your Case Manager, Anna Marling.

On June 23, 2019, you submitted information via e-mail to your Case Manager, Anna Marling, stating "I am sending this email at the request of Patricia Smith who called me to let me know about a positive drug screen. I have been very depressed and I went to a party and I gave in to temptation of doing things I knew better than doing. I did this Saturday and into Sunday before the drug screen."

- On June 17, 2019, Board staff received documentation from Vicki-Burton-Rutledge, with Dialysis Clinic Incorporated, reporting that on January 19, 2019, you used a cell phone to take photos of HIPAA sensitive material including, but not limited too, a medication administration log with patients names and posted the information on social media. You certified that you destroyed the identified documents on March 19, 2019, and deleted the information from your cell phone. You were advised by Marcia Duke, Nurse Manager, through a Documentation of Discipline which you signed on March 20, 2019, that your failure to meet expectations for change would result in further disciplinary action which may include termination of employment.
- On June 15, 2019, you submitted information via e-mail to your Case Manager, Anna Marling, stating the "3/19/2019 final warning issued regarding cell phone use on treatment floor and for taking photos of HIPAA sensitive material (patient daily schedule with several patient names visible) and posting to social media. The day this occurred, I was the only nurse working the floor. Therefore, I wrote my name on the patient daily schedule as the Medication nurse and the Charge nurse. I non maliciously took the picture as a joke and posted it to Snapchat. I was not aware that the picture also had approximately eight patient names (first initial and last name) visible in the picture. The Area Director of Operations contacted me shortly after I had posted the picture, informing me of the HIPAA violation. I immediately deleted the picture from Snapchat and the picture on my phone. I do not currently have a picture to provide the Board as it was deleted. The company HIPAA policy and the cell phone police were presented to me on that date. Additionally, I signed a statement that confirmed that the photo was destroyed."
- Letters were mailed to your address of record informing you of various issues of non-compliance on the following dates: June 7 and 25, 2019.

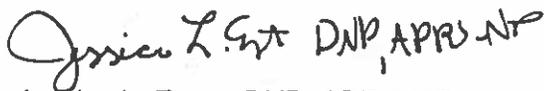
Provision # 10 of the Agreed Order states:

"Ms. Roederer agrees and acknowledges that her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension or voluntary surrender if applicable, of the nursing license/privilege to

practice nursing or denial of reinstatement of a lapsed, invalidated, or expired license, with notification by mail. Should Board staff determine that Ms. Roederer has violated this Agreed Order, notice of intent to suspend will be issued to her. From the date this notice is mailed to Ms. Roederer in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing. The suspension, voluntary surrender, or denial of reinstatement will begin on the date of the notification letter and will continue for a period of at least three (3) years. Implementation of the suspension, voluntary surrender, or denied reinstatement will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license/privilege to practice nursing after such a suspension, voluntary surrender, or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include but not be limited to the terms and conditions as set out in this Order."

You may, within twenty (20) days of the date this notice was mailed, file a written request with the Staff Attorney, Legal Services Section, Kentucky Board of Nursing, requesting an administrative hearing on this matter. Failure to submit a timely written request for hearing constitutes a waiver of your hearing rights. Should you request a hearing, you are required to continue to maintain compliance with all monitoring requirements. Failure to comply with monitoring terms after requesting a hearing constitutes additional grounds for suspension or denial of reinstatement.

Should you request an administrative hearing but fail to demonstrate your compliance with your Agreed Order entered on September 6, 2016, in Case # 2016-1484 with regard to your Registered Nurse license, be advised of 201 KAR 20:162 Section 7, which states, in pertinent part: "If the order of the board is adverse to a licensee or applicant, or if the hearing is scheduled at the request of a licensee or applicant for relief from sanctions previously imposed by the board pursuant to the provisions of KRS Chapter 314, a hearing fee in an amount equal to the cost of stenographic services and the cost of the hearing officer shall be assessed against the licensee or applicant."



Jessica L. Estes, DNP, APRN-NP
Executive Director

cc: File

jmc



KENTUCKY BOARD OF NURSING

Matthew G. Bevin
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Louisville, Kentucky 40222-5172
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Phone: (502) 429-3300
(800) 305-2042
Fax: (502) 429-3311

Via Certified and Regular U.S. Mail

July 17, 2019

HEIDI MICHELLE WAMPLER HATER
722 STEVIES TRAIL
INDEPENDENCE KY 41051

**RE: KARE FOR NURSES PROGRAM CASE # 2019-029-CB & 2019-167-CB
NOTICE OF INTENT TO CONTINUE SUSPENSION OF RN LICENSE # 1148639
NOTICE OF INTENT TO DENY REINSTATEMENT OF LPN LICENSE # 2037254**

Dear Ms. Hater:

You are hereby given official Notice by the Kentucky Board of Nursing of a determination by Board staff that you are noncompliant with your KARE for Nurses Program Agreement signed by you on November 16, 2018, and absent a decision of the Board to the contrary, your Registered Nurse license will be suspended for a period of at least two (2) years.

Pursuant to 201 KAR 20:450 Alternative program Section 3 (1)(a) and (b), you agreed to comply with the terms and conditions of the KARE for Nurses Program Agreement upon admission to the Program on October 3, 2018. Further, 201 KAR 20:450 Section 5 states that a Participant shall be terminated from the Program for non-compliance with any aspect of the Program Agreement.

The following information indicates that you are non-compliant with Provision # 16, 18, 20, 21, 22, 24, 27, 28, 31, 37, 38, 42, 44, 45, 52, 53, 54, 56, 57 and 58, of the KARE for Nurses Program Agreement:

- Documentation from Affinity Online Services (Affinity), the drug testing company utilized by the Board, indicates that you have failed to contact Affinity on a daily basis, as required, on the following dates: December 20 and 23, 2018; January 19, 2019; February 1, 9, 16 and 23, 2019; March 14 and 30, 2019; April 12 and 17, 2019; May 18 – 31, 2019; June 1 – 11, 2019.
- Documentation from Affinity indicates that you were randomly selected for drug testing and failed to provide a specimen on the following dates: December 12, 2018; April 17, 2019; May 24, 2019; June 3, 2019.

Heidi Michelle Wampler Hater

KARE for Nurses Program Case 2019-029-CB & 2019-167-CB

Notice of Intent to Continue Suspension of RN License # 1148639

Notice of Intent to Deny Reinstatement of LPN License # 2037254

Page 2 of 5

- You failed to provide a copy of your KARE for Nurses Program Agreement to your treating practitioner, specifically Dr. Lawrence Zeff, and have the treating practitioner verify, in writing, receipt of the program agreement.

On November 16, 2018, a *Treating Practitioner Verification* form was received in the Kentucky Board of Nursing office from Lawrence Zeff, MD, Advanced Pain Treatment Center, Edgewood, Kentucky. The form was signed by Dr. Lawrence Zeff on November 15, 2018. Upon further review and inquiry, it was determined that this form was fraudulent.

On June 18, 2019, a faxed letter was received in the Board office from Lawrence Zeff, MD, Advanced Pain Treatment Center, which stated "Thank you for faxing me the Treating Practitioner Verification Form for Ms. Hater. After reviewing this document dated November 15, 2018, I can attest that I did not sign this form."

- On June 4, 2019, Board staff received information regarding a violation of your five (5) year Pre-Trial Diversion in Kenton County, Kentucky, Case # 18-CR-01669.
 - The Commonwealth of Kentucky, Division of Probation and Parole, Violation of Supervision Report indicates that, on May 16, 2019, during a scheduled meeting with Officer Chad McDonald, you were positive for Fentanyl on a random drug screen and initially denied using. In summary, the Violation of Supervision Report noted the following:
 - a) After being asked to roll up your sleeves, it was revealed that there were numerous locations on both of your arms which revealed puncture spots from IV drug use;
 - b) You admitted to using Fentanyl three (3) to four (4) days prior to reporting;
 - c) You showed proof that you were still on the pill form of Vivitrol but admitted you stopped taking Vivitrol to use Fentanyl and then started using Vivitrol again after using;
 - d) It was recommended that you enter and complete treatment with a Recovery Kentucky Center for long-term inpatient treatment for six (6) to nine (9) months;
 - e) You refused the long-term treatment and requested an outpatient treatment or another treatment option; and
 - f) Due to your failure to cooperate with the implementation of the Graduated Sanction in your criminal court case, you were arrested on probation violations and transported to Kenton County Detention Center and housed on a detainer.
- You agreed that if you were prescribed, recommended, or dispensed any medication by a practitioner, you would cause the practitioner to complete the *Prescription Medication Report* form and submit the *Prescription Medication Report* to Board staff within five (5) days. Board staff received a *Prescription Medication Report* indicating an injection of

Vivitrol was given on June 17, 2018; however, Board staff has not received prior documentation that Vivitrol was prescribed or injected.

- On October 5, 2019, a *Prescription Medication Report* was received in the Board office where you indicated all prescription medication as well as over-the-counter medications, vitamins and herbal preparations. You did not include Vivitrol nor did you inform Board staff on your *Monthly Self Report* that you were taking Vivitrol.
- To date, you failed to submit a *Probation/Parole/Drug Court Verification* form verifying the probation/parole/drug court officers' knowledge of the provisions contained in the KARE for Nurses Program Agreement.
- You failed to submit *Probation/Parole/Drug Court Report Verification* forms verifying compliance with court ordered Probation/Parole/Drug Court monitoring by the following dates: February 10, 2019, and June 10, 2019.
- To date, you have failed to submit a *Counselor Verification Form* verifying that you have provided a copy of your KARE for Nurses Program Agreement to your counselor.

On October 17, 2018, a letter dated October 12, 2018, was received in the Board office from Maureen Bensman, MED, LPCC, Clinical Director and Owner, Greater Cincinnati Solutions in Living, Erlanger, Kentucky. The letter stated "I have continued working with Mrs. Hater on a regular basis for after care and individualized therapy sessions. I am still, very much so, in support of Mrs. Hater returning to work as a nurse." "I plan to continue to see Mrs. Hater on a monthly basis for after care and therapy." Upon further review and inquiry, it was determined that this letter was fraudulent.

On February 11, 2019, a *Counselor Evaluation Report* was received in the Board office from Solutions in Living, LLC, signed by Maureen Bensman, MED, LPCC. Upon further review and inquiry, it was determined that this letter was fraudulent.

On June 17, 2019, a letter was received in the Board office from Maureen Bensman, Med, LPCC-s, Solutions in Living, LLC, Erlanger, Kentucky, relating to the following: *Counselor/Therapist Verification* form; *Counselor/Therapist Evaluation* form; Letter of Recommendation dated October 12, 2018. Ms. Bensman stated that after reviewing the documents "I cannot confirm these are authentic nor did they come from our office. Signatures are not from this office nor is letterhead." "I have also not received a copy of the KARE contract."

- You failed to submit true and accurate *Counselor Evaluation Report* forms, completed by your counselor/primary therapist, verifying compliance with ongoing therapeutic counseling and treatment in accordance with your monitoring schedule by the following dates: February 10, 2019, and June 10, 2019.
- You failed to submit a *Work Performance Evaluation* form, completed by your nursing employer, verifying compliance with each practice limitation by the following date: June 10, 2019.

- On June 3, 2019, you submitted information via e-mail to your Case Manager, Lisa Sosnin, stating "I am sending you this email to let you know I had a relapse. I am very upset with myself and at a loss on how this happened. I reported to my probation officer on Thursday May 16th and was honest with him about me relapsing. I also ceased practice at SUN Behavioral on May 16th as well. I made my therapist and my husband aware also. My plan was to email you after I left probation and I also had an appointment to restart IOP and see an addiction doctor that same Thursday however, I didn't get to do any of that because my probation officer took me in on a detainer for a probation violation..."

You sent a subsequent e-mail later on June 3, 2019, to your Case Manger, Lisa Sosnin, stating "I was under a lot of stress with some personal things at home with my husband and while at a AA meeting someone offered me fentanyl. I gave in to the offer. I used it two separate times and then flushed the rest down the toilet. I told my husband right away and my therapist the next morning and reported to probation and parole also. The relapse occurred at home on the evening of May 15, 2019."

- On June 12, 2019, in order to protect the public, an Immediate Temporary Suspension was ordered by the Kentucky Board of Nursing.
- Letters were mailed to your address of record informing you of various issues of non-compliance on the following dates: December 13, 2018; April 25, 2019; June 26, 2019

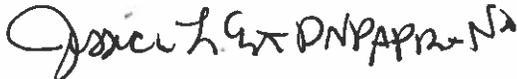
Provision # 59 of the KARE for Nurses Program Agreement states that:

"The Participant understands that she shall be terminated from the Program for any cause as set out in 201 KAR 20:450. Termination from the Program by reason of that provision shall result in the suspension (or denial of reinstatement if the nursing license has lapsed, expired, been surrendered or invalidated, or has been denied a nursing license in a compact state) of the nursing license, with notification by mail. Should Board staff determine that the Participant has violated the Program Agreement, notice of intent to suspend will be issued to her. From the date this notice is mailed to her in accordance with KRS 314.107, the Participant shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing. The suspension, or denial of reinstatement, will begin on the date of the notification letter and will continue for a period of at least two (2) years. Implementation of the suspension, or denied reinstatement, will result in an additional civil penalty of one-thousand two-hundred dollars (\$1,200.00). Reinstatement of the nursing license/privilege to practice nursing after such a suspension, or denial of reinstatement, will be in accordance with the Board's Guidelines for Reinstatement that may include but not be limited to the terms and conditions as set out in this Program Agreement. The Participant understands that this action is public information and can be disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required."

Heidi Michelle Wampler Hater
KARE for Nurses Program Case 2019-029-CB & 2019-167-CB
Notice of Intent to Continue Suspension of RN License # 1148639
Notice of Intent to Deny Reinstatement of LPN License # 2037254
Page 5 of 5

You may, within twenty (20) days of the date this notice was mailed, file a written request with the Staff Attorney, Legal Services Section, Kentucky Board of Nursing, requesting an administrative hearing on this matter. Failure to submit a timely written request for hearing constitutes a waiver of your hearing rights. Should you request a hearing, you are required to continue to maintain compliance with all monitoring requirements. Failure to comply with monitoring terms after requesting a hearing constitutes additional grounds for suspension or denial of reinstatement.

Should you request an administrative hearing but fail to demonstrate your compliance with your KARE for Nurses Program Agreement, be advised of 201 KAR 20:162 Section 7, which states, in pertinent part: "If the order of the board is adverse to a licensee or applicant, or if the hearing is scheduled at the request of a licensee or applicant for relief from sanctions previously imposed by the board pursuant to the provisions of KRS Chapter 314, a hearing fee in an amount equal to the cost of stenographic services and the cost of the hearing officer shall be assessed against the licensee or applicant."



Jessica L. Estes, DNP, APRN-NP
Executive Director

cc: File

jmc

Current template for an Agreed order that reflects the length of time that a license would be surrendered or suspended for violating the Agreed Order

- Mr./Ms. Lastname agrees and acknowledges that he/she may make a written request for voluntary surrender of the nursing license(s)/credential during the period of time he/she is on limitation/probation, indicating that he/she is unable to comply with the terms and conditions of the order. Any written request for voluntary surrender will subject Mr./Ms. Lastname to additional disciplinary action pursuant to the terms of this order. **The voluntary surrender will begin upon entry of the order and will continue for a period of at least TIME.** Implementation of the voluntary surrender will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.
- Mr./Ms. Lastname agrees and acknowledges that his/her failure or inability to comply with any of the conditions and provisions of this Agreed Order will result in suspension of the nursing license(s)/credential or denial of reinstatement of a lapsed, invalidated, or expired license/credential. Should Board staff determine that Mr./Ms. Lastname has violated this Agreed Order, notice of intent to suspend/deny reinstatement will be issued to him/her. From the date this notice is mailed to Mr./Ms. Lastname in accordance with KRS 314.107, he/she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely written request for an administrative hearing constitutes a waiver of the right to hearing, and will result in suspension or denial of reinstatement, with notification by mail. **The suspension or denial of reinstatement will begin on the date of the official notification letter and will continue for a period of at least TIME.** Implementation of the suspension or denial of reinstatement will result in an additional civil penalty of six hundred dollars (\$600). Reinstatement of the nursing license(s)/credential after such a suspension or denial of reinstatement will be in accordance with the Board's Guidelines for Reinstatement that may include, but not be limited to, the terms and conditions as set out in this order.

Note: Suspension TIME must equal the time on probation

Recommendation from the staff is to make the surrender, suspension or denial of reinstatement be a standard two years vs equal to years of monitoring. The exception would be for an eighteen month term.

Current Agreed Order Template terms that have created issues with APRN's

- will provide a complete copy of this order to his/her immediate nursing manager or supervisor and will have the nursing manager or supervisor acknowledge to Board staff in writing that he/she has provided them a copy of this order within fourteen (14) days. He/She will have the nursing manager or supervisor discuss the terms of this order with Board staff within fourteen (14) days of employment. He/She will notify Board staff in writing if there is a change of nursing managers or supervisors;

NOTE: APRN's are frequently independent practitioners and don't have a supervisor or manager

- will provide any and all patient care only under the continuous, direct observation and supervision of an advanced practice registered nurse or physician with an unencumbered license during the TIME of practice on limited/probated status;

NOTE: APRN's are frequently independent practitioners and may not be in an office with another medical provider

- may not work without, and will provide any and all patient care, only if an advanced practice registered nurse or physician with an unencumbered license is physically present on the facility grounds and readily available to provide assistance and intervention if necessary during the full term of practice on limited/probated status;

NOTE: APRN's are frequently independent practitioners and may not be in an office with another medical provider

- may not be employed in a managerial or supervisory position during the TIME of practice on limited/probated status;

NOTE: If the APRN owns the practice she probably has staff that she supervises

- will have written reports submitted by his/her nursing employer(s), as determined by Board staff. Report forms will be made available for this purpose. The employer(s) will verify Mr./Ms. Lastname's compliance with each may not be scheduled to work more than eighty-eight (88) hours per two-week period.

NOTE: APRN's are frequently independent practitioners and don't have a supervisor or manager. Also, sometimes the issue is they want to be able to work longer hours that don't involve patient care

- The nursing position may be a full-time or a part-time position but must require her to work at least thirty-two (32) hours per month;

- will prepare, administer, and document administration of controlled substances only under the DIRECT OBSERVATION or SUPERVISION of an APRN. or physician with an unencumbered license during the TIME of practice on limited/probated status; (Delete if HB1 case)
- will prescribe, prepare, administer, and document administration of controlled substances only under the DIRECT OBSERVATION or SUPERVISION of an advanced practice registered nurse or physician with an unencumbered license during the TIME of practice on limited/probated status; (If APRN)practice limitation on each report;

Discussion topics:

Is it reasonable to have some kind of supervision of an APRN that is being monitored

Does it matter what the violation is

Does the severity of the violation matter

Would it be acceptable for staff to determine which terms would be left in the Agreed Order.