

4. Respondent received a Baccalaureate Degree in Nursing from the University of Texas - Houston, Houston, Texas, on March 1, 1983. Respondent was licensed to practice professional nursing in the State of Texas on August 30, 1983.
5. Respondent's professional employment history is unknown.
6. In August 2001, Respondent was found guilty of Unauthorized Use of Property in Fairborn Municipal Court Case Number 2001CRB01815. In February 2002, Respondent was found guilty of "Theft," under Case No. 2001CR B04997, in the Municipal Court of Miami County, Ohio. Both convictions involved Respondent shoplifting items from various stores.
7. On or about June 20, 2003, Respondent plead "No Contest" and was found guilty of the offense of "Deception to Obtain Dangerous Drugs," under Case No. 2003 CR A 01495, in the Municipal Court, Miami County, Ohio. Respondent's jail sentence of one hundred eighty (180) days was suspended, and Respondent was placed on probation for twenty-four (24) months, ordered to pay court costs in the amount of sixty-five dollars (\$65.00) and a fine in the amount of fifty dollars (\$50.00). Respondent added Vicodin to an existing prescription for Lidocaine gargle she had received from her physician and attempted to fill this prescription at a pharmacy.
8. On or about November 28, 2004, when applying for license renewal with the Board of Nurse Examiners for the State of Texas, Respondent answered "no" to the following question:

"Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without guilt."

Respondent's conduct was deceiving to the Board and may have affected their decision to renew her license to practice professional nursing in the State of Texas.

9. On or about March 17, 2005, Respondent's license to practice as a registered nurse in the State of Ohio was suspended indefinitely, with said suspension stayed and Respondent was placed on probationary terms and conditions for two (2) years, by the Ohio Board of Nursing, Columbus, Ohio. A copy of the March 17, 2005, Consent Agreement, Basis for Action, and Agreed Conditions are attached and incorporated, by reference, as part of this Order.
10. On or about November 9, 2006, Respondent plead No Contest and was found Guilty of Theft (a misdemeanor 4 offense committed on September 6, 2006), under Case No. CR B 04462, in the Municipal Court of Miami County, Ohio As a result of the No Contest plea, Respondent was placed on probation conditions. Respondent stole cosmetics from CVS Pharmacy.

11. On or about November 30, 2006, Respondent provided false and deceptive information when applying for license renewal with the Board of Nurse Examiners for the State of Texas, in that she answered "no" to the following question:

Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudications with or without a finding of guilt. Please note that DUIs, DWIs, and PIs must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes." You may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form.

On or about November 9, 2006, Respondent plead No Contest and was found Guilty of Theft (a misdemeanor 4 offense committed on September 6, 2006), under Case No. CR B 04462, in the Municipal Court of Miami County, Ohio As a result of the No Contest plea, Respondent was placed on probation conditions. Respondent stole cosmetics from CVS Pharmacy.

12. Formal Charges were filed on June 20, 2006 and mailed to Respondent on June 21, 2006.
13. First Amended Formal Charges were filed on June 6, 2007 and mailed to Respondent on June 6, 2007.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove a violation of Section 301.452(b)(3), (8) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(H) & (I), (13) & (23).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 508509, heretofore issued to PAMELA P. POTEET, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Registered Nurse License Number 508509, previously issued to PAMELA P. POTEET, to practice professional nursing in Texas is hereby SUSPENDED and said suspension is enforced until RESPONDENT SHALL undergoes a neuro-psychological evaluation. The evaluation shall be performed by a Board certified psychiatrist or a clinical psychologist approved by the Board. RESPONDENT SHALL CAUSE the performing psychiatrist or clinical psychologist to send a report of the evaluation to the Board office. The report shall include:

1. a description of the instruments used for evaluation and the results of the evaluation;
2. a statement as to the RESPONDENT's fitness to safely practice professional nursing; and
3. recommendations for therapy or other follow-up.

RESPONDENT SHALL comply with the recommendations for therapy or other follow-up. If the evaluation states that Respondent lacks fitness to practice professional nursing, RESPONDENT SHALL cease to provide direct patient care until such time that the same evaluator deems Respondent safe to return to direct patient care. If the results of the evaluation reveal further violations of the Nursing Practice Act, further disciplinary action may be taken, including revocation of Respondent's license to practice professional nursing in the State of Texas.

IT IS FURTHER ORDERED that Permanent Certificate Number 508509, previously issued to PAMELA P. POTEET, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable

to Respondent's multistate privilege, if any, to practice professional nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, upon receipt by the Board of a favorable neuropsychological evaluation that indicates Respondent is capable of safely practicing professional nursing, the Suspension will be stayed, and RESPONDENT will be placed on probation for three (3) years with the following agreed terms of probation:

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and be issued a license to practice professional nursing in the State of Texas with the appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Registered Nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be

taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(5) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred fifty dollars (\$750.00). RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE

LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(6) RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(7) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a professional nurse.

(8) For the duration of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising RN shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) RESPONDENT SHALL CAUSE each employer to submit, on forms provided

to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a professional nurse.

(10) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(11) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines

Meperidine

Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(12) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the probation period, or until RESPONDENT is dismissed from therapy.

(13) RESPONDENT SHALL fully comply with all the terms and conditions of the Order of the Board issued to PAMELA P. POTEET on March 18, 2005, by the Ohio Board of

Nursing. RESPONDENT SHALL CAUSE the Ohio Board of Nursing to submit quarterly reports, on forms provided by the Texas Board, confirming that PAMELA P. POTEET is in compliance with the Order of the Board, and RESPONDENT SHALL cause the Ohio Board of Nursing to submit written verification of Respondent's successful completion of that Order. Evidence of compliance/completion with the terms of the Order of the Ohio State Board of Nursing will be accepted as evidence of compliance/completion of the terms of this Order issued by the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waived representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 18th day of July, 2007.
Pamela P. Poteet (Xerox)
PAMELA P. POTEET, Respondent

Sworn to and subscribed before me this 18th day of July, 2007.

SEAL

Jeffrey K. Orlieb
Notary Public in and for the State of OH



JEFFREY K. ORTLIEB
Notary Public, State of Ohio
My Commission Expires May 14, 2011

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 18th day of July, 2007, by PAMELA P. POTEET, Registered Nurse License Number 508509, and said Order is final.

Effective this 14th day of August, 2007.


Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board



**CONSENT AGREEMENT
BETWEEN
PAMELA A. PERRY-POTEET, R.N.
AND
OHIO BOARD OF NURSING**

This Consent Agreement is entered into by and between **PAMELA A. PERRY-POTEET, R.N. (MS. PERRY-POTEET)** and the Ohio Board of Nursing (Board), the state agency charged with enforcing Chapter 4723. of the Ohio Revised Code (ORC), and all administrative rules promulgated thereunder.

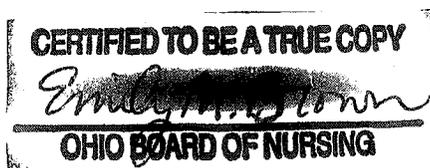
MS. PERRY-POTEET voluntarily enters into this Consent Agreement being fully informed of her rights under Chapter 119, ORC, including the right to representation by legal counsel and the right to a formal adjudicative hearing on the issues considered herein.

This Consent Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4723.28, ORC, to deny, permanently revoke, revoke, suspend, or place restrictions on any license issued by the Board; reprimand or otherwise discipline a licensee; or impose a fine of five hundred dollars (\$500.00) or less per violation. Section 4723.28(A) ORC, authorizes the Board to revoke the license or refuse to grant a license to a person who has been found by the Board to have committed fraud, misrepresentation, or deception in applying for or securing any license issued by the Board. Section 4723.28(B)(4), ORC, authorizes the Board to discipline a licensee for conviction of, a plea of guilty to, or a judicial finding of guilt of any crime involving moral turpitude. Section 4723.28(B)(5), ORC, authorizes the Board to discipline a licensee for conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, violating any municipal, state, county, or federal drug law.
- B. **MS. PERRY-POTEET** is licensed to practice nursing as a registered nurse, RN-243134, in the State of Ohio.



C. **MS. PERRY-POTEET** knowingly and voluntarily admits to the following:

i. **MS. PERRY-POTEET** was found guilty of one misdemeanor count of Unauthorized Use of Property in Fairborn Municipal Court Case Number 2001CRB01815-A in August 2001 and one misdemeanor count of Theft in Miami County Municipal Court Case Number 2001CRB04997 in February 2002. The convictions involved **MS. PERRY-POTEET** shoplifting items from various stores.

ii. On June 20, 2003, in Miami County Municipal Court Case Number 2003CRA01495, **MS. PERRY-POTEET** pled no contest to, and was found guilty of, one misdemeanor count of Attempted Deception to Obtain Dangerous Drugs, in violation of Sections 2925.22/2923.02, ORC. **MS. PERRY-POTEET** successfully completed her probation in Case Number 2003CRA01495 in October 2003.

The acts underlying **MS. PERRY-POTEET**'s finding of guilt in Case Number 2003CRA01495 involve **MS. PERRY-POTEET** adding Vicodin to a written prescription for Lidocaine gargle from her physician and attempting to fill the prescription at a pharmacy. **MS. PERRY-POTEET** told police that she was in severe pain and unable to sleep due to her sore throat.

iii. **MS. PERRY-POTEET** submitted an application for biennial renewal of her license on March 1, 2004, on which she failed to mark that she had been convicted of, "a violation of any municipal, state, county, or federal drug law." **MS. PERRY-POTEET** apologized for her failure to report her conviction for Attempted Deception to Obtain Dangerous Drugs on her renewal application and indicated that it was not intentional.

iv. Prior to her June 2003 conviction, **MS. PERRY-POTEET** had taken a leave of absence from her position as a school nurse due to personal issues and depression. **MS. PERRY-POTEET** had letters submitted by her treating psychiatrist, her counselor and her family physician indicating that she is seeking treatment. The psychiatrist indicated that **MS. PERRY-POTEET**, "has had symptoms of [] Impulse Disorder; Super Imposed on Major Depression due to ongoing stressful domestic disruptions such as divorce, relocation, becoming a single parent and having children with emotional needs. She has been able to function fairly well under all duress." **MS. PERRY-POTEET** was remorseful for her actions and has been cooperative with the Board. She has also submitted copies of

multiple professional and personal letters of recommendation to the Board.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, **MS. PERRY-POTEET** knowingly and voluntarily agrees with the Board to the following terms, conditions, and limitations: **MS. PERRY-POTEET's** license to practice nursing as a registered nurse is hereby suspended indefinitely. Such suspension is hereby stayed, subject to the following PROBATIONARY terms, conditions, and limitations until at least **March 2007**:

1. **MS. PERRY-POTEET** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. PERRY-POTEET** shall appear in person for interviews before the full Board or its designated representative as requested by the Board.
3. **MS. PERRY-POTEET** shall, in addition to the requirements of licensure renewal, successfully complete and submit satisfactory documentation of successful completion of the following continuing education by **March 1, 2006**: two (2) hours of Ohio nursing law and rules and eight (8) hours of chemical dependency.

Monitoring of Rehabilitation and Treatment

4. **MS. PERRY-POTEET** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. PERRY-POTEET's** history. **MS. PERRY-POTEET** shall self-administer prescribed drugs only in the manner prescribed.
5. **MS. PERRY-POTEET** shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. PERRY-POTEET** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. PERRY-POTEET's** history.
6. Upon request by the Board Supervising Member, **MS. PERRY-POTEET** shall, at her own expense, seek a chemical dependency evaluation by a Board

approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. PERRY-POTEET** shall provide the chemical dependency professional with a copy of this Consent Agreement. Further, **MS. PERRY-POTEET** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. PERRY-POTEET's** license to practice, and stating whether **MS. PERRY-POTEET** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

7. **MS. PERRY-POTEET** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, **MS. PERRY-POTEET** agrees that the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, limitations on **MS. PERRY-POTEET's** license and that the terms, conditions, and limitations shall be incorporated in an addendum to this Consent Agreement.

Psychiatric Evaluation & Treatment

8. Within ninety (90) days following the effective date of this Consent Agreement, **MS. PERRY-POTEET** shall, at her own expense, seek a psychiatric evaluation from a Board approved psychiatrist and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. PERRY-POTEET** shall provide the psychiatrist with a copy of this Consent Agreement and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. PERRY-POTEET's** license, and whether **MS. PERRY-POTEET** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
9. **MS. PERRY-POTEET** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the psychiatrist until released. Further, **MS. PERRY-POTEET** agrees that the Board may use the psychiatrist's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MS. PERRY-POTEET's** license and that the terms, conditions, and limitations shall be incorporated in an addendum to this Consent Agreement.

Employment Conditions

10. **MS. PERRY-POTEET** shall not practice nursing as a registered nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) as a nurse for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. PERRY-POTEET** to provide nursing services for fees, compensation, or other consideration or as a volunteer.
11. **MS. PERRY-POTEET** shall have her employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis **beginning May 1, 2005**. **MS. PERRY-POTEET** shall provide her employer(s) with a copy of this Consent Agreement and shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Consent Agreement. Further, **MS. PERRY-POTEET** is under a continuing duty to provide a copy of this Consent Agreement to any new employer prior to accepting employment.

Reporting Requirements of Licensee

12. **MS. PERRY-POTEET** shall sign release of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
13. **MS. PERRY-POTEET** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
14. **MS. PERRY-POTEET** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
15. **MS. PERRY-POTEET** shall submit the reports and documentation required by this Consent Agreement on forms specified by the Board. All reporting and communications required by this Consent Agreement shall be made to the Monitoring Unit of the Board.
16. **MS. PERRY-POTEET** shall submit the reports and documentation required by this Consent Agreement or any other documents required by the Board to the attention of the Monitoring Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-3413.

17. **MS. PERRY-POTEET** shall verify that the reports and documentation required by this Consent Agreement are received in the Board office.
18. **MS. PERRY-POTEET** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.

FAILURE TO COMPLY

MS. PERRY-POTEET agrees that her license to practice nursing as a registered nurse will be automatically suspended if it appears to the Board that **MS. PERRY-POTEET** has violated or breached any terms or conditions of the Consent Agreement. Following the automatic suspension, the Board shall notify **MS. PERRY-POTEET** via certified mail of the specific nature of the charges and automatic suspension of her license. Upon receipt of this notice, **MS. PERRY-POTEET** may request a hearing regarding the charges.

The above described terms and conditions shall constitute "restrictions placed on a license" for purposes of Section 4723.28(B), ORC. If, in the discretion of the Board, **MS. PERRY-POTEET** appears to have violated or breached any terms or conditions of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

DURATION/ MODIFICATION OF TERMS

The terms, limitations and conditions of this Consent Agreement may be modified or terminated in writing at any time upon the agreement of both **MS. PERRY-POTEET** and the Board.

The Board may only alter the probationary period imposed by this Consent Agreement if: (1) the Board determines that **MS. PERRY-POTEET** has complied with all aspects of this Consent Agreement; and (2) the Board determines that **MS. PERRY-POTEET** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. PERRY-POTEET** and review of the reports as required herein. Any period during which **MS. PERRY-POTEET** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Consent Agreement.

ACKNOWLEDGMENTS/LIABILITY RELEASE

MS. PERRY-POTEET acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

MS. PERRY-POTEET waives all of her rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

Pamela A. Perry-Poteet, R.N.
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MS. PERRY-POTEET waives any and all claims or causes of action she may have against the Board, and its members, officers, employees and/or agents arising out of matters which are the subject of this Consent Agreement.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, ORC. The information contained herein may be reported to appropriate organizations, data banks and governmental bodies.

This Consent Agreement is not an adjudication order within the meaning of Section 119.01(D), ORC. Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedures Act, Chapter 119, ORC.

EFFECTIVE DATE

MS. PERRY-POTEET understands that this Consent Agreement is subject to ratification by the Board prior to signature by the Board President and shall become effective upon the last date of signature below.

Pamela A Perry-Poteet R.N.
PAMELA A. PERRY-POTEET, R.N.

3-17-05
DATE

Yvonne M Smith MSN RN CNS
YVONNE SMITH, President
Ohio Board of Nursing

3.18.05
DATE

To the Board of Nurses for Texas/Ohio

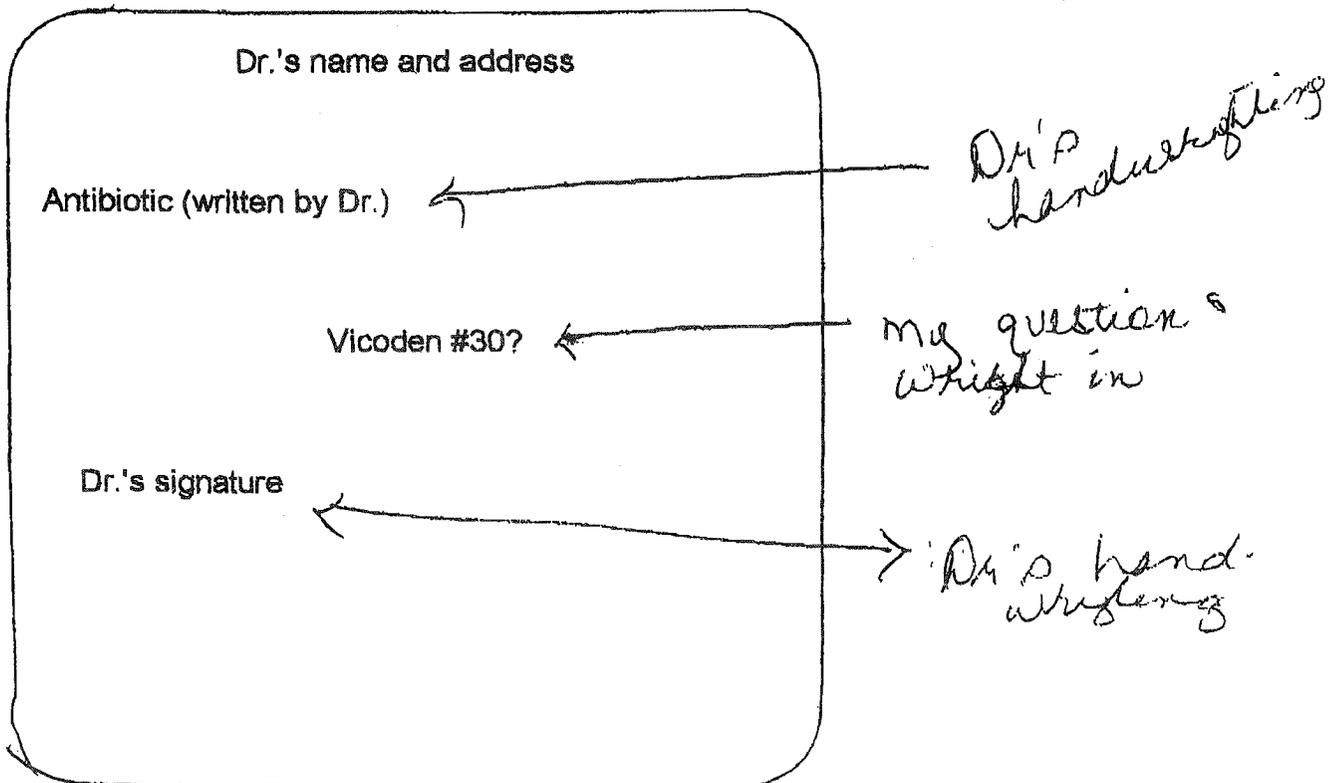
In writing this letter I hope to explain the charge made against me on "attempting to obtain a drug."

During this time in my life, I had removed myself from practice due to extensive personal problems. I knew I needed help and I was getting medical assistance for the children and myself.

My husband of 23 years left me and our four children, two of who were desperately ill with anorexia and one with disabilities. To further complicate matters I was extremely ill physically and distraught because I loved my husband and was heartbroken.

The day my divorce was final was the worst day of my life and my illness only made me feel helpless. Just two days later my eldest son and I went to a physician. The doctor saw me first and diagnosed an unresolved sinus infection. He told me he planned to write a new prescription for me; and immediately went to assessing my son. I asked him for pain medication for the migraine resulting from the sinus infection, and he told me he would write it for me. Later when the scripts were given to me I did not look to see if the pain medication has been written.

When I went to the drive-through pharmacy, I saw no pain medication marked so I wrote as followed highlighted area:



If I had intended to deceive I would not had written the medication as I did. Though I would never do so, I would have written as follows:
Vicoden 5/500 1 to 2 q 4-6 hours prn pain #30 thirty

I did not write the above, nor would I have ever attempted to deceive any pharmacy.

The police took me away from my disabled son; and into a room where he interrogated me for six long hours and I was dreadfully ill. I asked for tissues because I was crying and he told me he would after I wrote the statement out as he requested. I asked for my son and he told me he could see me after I wrote out the statement he wanted. He kept saying, " come on you wanted those pills so you just wrote it in." I was so ill, distraught and confused that I finally wrote what he requested and made a statement that I wrote it in. I wrote what he requested just to be able to see my son and be able to wipe my nose with some dignity.

I later contacted Attorney at law Robert Huffman Jr. He assisted me in the legal process. I was told through my lawyer from the judge that I would be on a two-year probation where I would report in person to a probation officer once a month for two years. After only four monthly visits my probation officer petitioned for my probation to be removed and that he felt I was not in need of monitoring. His petition was granted.

Please feel free to contact the following people to confirm my cooperation and was working on my path to wellness.

Thank you for your consideration in this matter.

Pamela Anne Perry Poteet RN, BSN
Pamela Perry-Poteet RN, BSN

Contacts

Greg Potter
Probation Officer
(937) 440-3940

Roberta Stiegers
Therapist
(937) 296-1007

Robert Huffman Jr.
Attorney-at-Law
(937) 335-0550