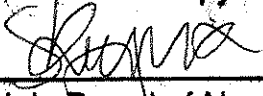


RECEIVED
APR 08 2014

VA BD OF NURSING

Certified True Copy

By 
Virginia Board of Nursing

David E. Brown, D.C.
Director



COMMONWEALTH of VIRGINIA

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

April 7, 2014

Theresa Marie Lee
487 Michelle Drive
Muskegon, MI 49442

CERTIFIED MAIL

DUPLICATE COPY
VIA FIRST CLASS MAIL

DATE 4/7/14

RE: License No.: 0001-181517

Dear Ms. Lee:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered April 7, 2014. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,



David E. Brown, D.C., Director
Department of Health Professions

Enclosures
Case # 154025

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: THERESA MARIE LEE, R.N.
License No.: 0001-181517

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Theresa Marie Lee, R.N., to practice nursing in the State of Michigan was suspended by a Consent Order dated February 6, 2014. A certified copy of the Consent Order (with attachments) is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the privilege of Theresa Marie Lee, R.N., to renew her license to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Theresa Marie Lee, R.N., will be recorded as suspended and no longer current. Should Ms. Lee seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.



David E. Brown, D.C., Director
Department of Health Professions

ENTERED: 4/7/14



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Consent Order (with attachments) dated February 6, 2014, regarding Theresa Marie Lee, R.N., is a true copy of the records received from the State of Michigan, Department of Licensing and Regulatory Affairs, Board of Nursing.



David E. Brown, D.C.

Date: 4/7/14

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

THERESA MARIE LEE, R.N.
f/k/a Theresa Marie Somers
License Number: 47-04-146035

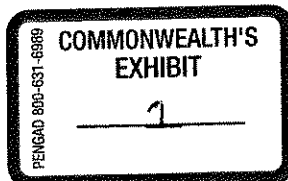
File Number: 47-13-128493
CONSENT ORDER AND STIPULATION

CONSENT ORDER

WHEREAS, an Administrative Complaint, hereafter Complaint, was issued on September 24, 2013, charging Theresa Marie Lee, R.N., f/k/a Theresa Marie Somers, hereafter Respondent, with having violated sections 16221(a), 16221(b)(ii), and 16221(b)(iii) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; and

WHEREAS, on September 24, 2013, after consultation with the Chairperson of the Michigan Board of Nursing, hereafter Board, the Department of Licensing and Regulatory Affairs, hereafter Department, issued an Order of Summary Suspension, summarily suspending Respondent's license to practice as a registered nurse in the state of Michigan; and

WHEREAS, Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Public Health Code; and



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the original on file in the office of the
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Bureau of Health Care Services

WHEREAS, the Board's Disciplinary Subcommittee has reviewed the Stipulation and, based upon the matters asserted therein, agrees that the public interest is best served by resolution of the outstanding Complaint; now, therefore,

IT IS HEREBY FOUND that the facts alleged in the Complaint are true and constitute violations of sections 16221(a), 16221(b)(ii), and 16221(b)(iii) of the Public Health Code, supra.

Accordingly,

IT IS HEREBY ORDERED that the Order of Summary Suspension dated September 24, 2013, is DISSOLVED, as of the effective date of this Order.

IT IS FURTHER ORDERED that for the cited violations of the Public Health Code, Respondent's license to practice as a registered nurse in the state of Michigan is SUSPENDED for a minimum period of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent's license shall be automatically reinstated to a full and unlimited status upon the Department's receipt of satisfactory written evidence from the Health Professional Recovery Program, hereafter Contractor, verifying that Respondent has entered into a disciplinary, non-confidential monitoring agreement, hereafter monitoring agreement, AND that the Contractor has endorsed Respondent as safe to practice, or that the Contractor has determined that Respondent

does not require treatment monitoring. It shall be Respondent's responsibility to contact the Contractor by telephone at 1-800-453-3784, and to comply with the requests of the Contractor regarding entry into a monitoring agreement, if required. All costs associated with this process shall be Respondent's responsibility. If the Contractor determines that Respondent is in need of treatment monitoring, Respondent shall enter into and comply with all terms of a monitoring agreement with the Contractor.

IT IS FURTHER ORDERED that Respondent shall ensure that a copy of the signed and fully executed monitoring agreement AND written confirmation that the Contractor has endorsed Respondent as safe to practice, or written confirmation from the Contractor that Respondent is not in need of treatment monitoring, is provided by the Contractor to the Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.

IT IS FURTHER ORDERED that, in the event Respondent's license to practice expires during the suspension period, Respondent must apply for relicensure, in accordance with section 16174 of the Public Health Code, supra.

IT IS FURTHER ORDERED that in the event Respondent's license to practice does not expire and remains suspended for a period of more than six months, Respondent must apply for reinstatement of the license. In the event Respondent applies for reinstatement of the license, application for reinstatement may not be made sooner than 90 days prior to the end of the suspension period and shall be in accordance with sections 16245 and 16247 of the Public Health Code, supra. Further, in support of the

application for reinstatement, Respondent shall supply clear and convincing evidence to the Board that Respondent is of good moral character, is able to practice the profession with reasonable skill and safety, that it is in the public interest for Respondent to resume practice, and that Respondent has met the guidelines on reinstatement adopted by the Department.

IT IS FURTHER ORDERED that for the cited violations of the Public Health Code, in the event that Respondent's license is automatically reinstated, Respondent shall be placed on PROBATION for a period of two years, commencing on the effective date of automatic reinstatement. The probationary period shall only be reduced while Respondent is employed as a nurse. The terms of probation shall be as follows:

1. MONITORING AGREEMENT: Respondent shall, if applicable, comply fully with the terms of a monitoring agreement entered into with the Contractor.

If it is confirmed by the Contractor that Respondent has failed to comply with the terms of a monitoring agreement, the Contractor shall **immediately** notify the Department in writing.

To the extent that the terms of a monitoring agreement call for reports, Respondent shall submit all reports in the manner specified by the monitoring agreement.

All information and documentation acquired by the Contractor in developing and implementing a monitoring agreement required herein, including but not limited to urinalyses, reports of AA/NA attendance, reports of mental and physical evaluations, controlled substance logs, therapist reports, chemical dependency/substance abuse treatment facility or recovery program records or reports, shall be made available to the Department upon request to establish Respondent's compliance with the monitoring agreement and this Order.

Upon Respondent's successful completion of the monitoring agreement, the Contractor shall promptly notify the Department in writing.

2. EMPLOYER REPORTS: In the event Respondent is employed as a nurse, Respondent shall immediately provide copies of this Order and the Complaint dated September 24, 2013, to Respondent's employer and supervisor. Respondent's employer or supervisor shall be knowledgeable of Respondent's history and shall file reports with the Department, as further provided herein, advising of Respondent's work performance.

In the event, Respondent, at any time, fails to comply with the minimal standards of acceptable and prevailing practice or appears unable to practice with reasonable skill and safety, the Department shall be **immediately** so notified by Respondent's employer or supervisor.

3. EMPLOYMENT CHANGE: Respondent shall report to the Department, in writing, any and all changes in Respondent's employment within 15 days of such change, if Respondent's employment requires Respondent to have a license to practice nursing.

Respondent shall provide copies of this Order and the Complaint dated September 24, 2013, to each successor employer and supervisor, if the employment requires Respondent to have a nursing license. The successor employer or supervisor shall be knowledgeable of Respondent's history and shall continue to file reports with the Department advising of Respondent's work performance, as set forth above.

4. REPORT OF NON-EMPLOYMENT: If at any time during the period of probation Respondent is not employed as a nurse, Respondent shall file a report of non-employment with the Department within 15 days after becoming unemployed. Respondent shall continue to file a report of non-employment on a quarterly basis until Respondent returns to employment as a nurse, at which time Respondent shall notify the Department of this fact within 15 days after returning to practice.

5. COMPLIANCE WITH THE PUBLIC HEALTH CODE: Respondent shall comply with all applicable provisions

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Bureau of Health Care Services

of the Public Health Code and rules promulgated thereunder.

6. RESIDENCY AND PRACTICE OUTSIDE MICHIGAN: Periods of residency and practice outside Michigan shall not reduce the probationary period of this Order. Respondent shall report any changes of residency or practice outside Michigan no more than 15 days after the change occurs. Compliance with this provision does not satisfy the requirements of sections 16192(1) and 16221(g) of the Public Health Code, supra, regarding Respondent's duty to report name or mailing address changes to the Department.
7. REPORTING PROCEDURE: Unless requiring immediate notification as indicated above, all reports required herein shall be filed on a quarterly basis, the first report to be filed at the end of the third month of probation, and subsequent reports to be filed every three months thereafter.

Respondent authorizes the Department or its authorized representative to periodically contact the reporting individuals or agencies to inquire of Respondent's progress.

Respondent shall direct all communications required by the terms of this Order to: Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.

The timely filing of all information relating to this Order shall be Respondent's responsibility, and failure to file the required information within the time limitations provided shall be deemed a violation of an order of the Board's Disciplinary Subcommittee.

8. COSTS: Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.

IT IS FURTHER ORDERED that Respondent shall be automatically discharged from probation at the end of the probationary period, PROVIDED Respondent has complied with the terms of this Order and has not violated the Public Health Code.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Board's Disciplinary Subcommittee may proceed to take disciplinary action pursuant to 1996 AACRS, R 338.1632 and section 16221(h) of the Public Health Code, supra.

IT IS FURTHER ORDERED that this Order shall be effective on the date signed by the Chairperson of the Board's Disciplinary Subcommittee or authorized representative, as set forth below.

Dated: 2/6/14

MICHIGAN BOARD OF NURSING

By: [Signature]
Chairperson, Disciplinary Subcommittee

STIPULATION

1. The facts alleged in the Complaint dated September 24, 2013, are true and constitute violations of sections 16221(a), 16221(b)(ii), and 16221(b)(iii) of the Public Health Code, supra.

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2. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq., to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondent is waiving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.

3. Respondent understands that the duration of a monitoring agreement, required pursuant to the terms of the foregoing Consent Order, may exceed the period of probation set forth in the Consent Order. Respondent specifically agrees to abide by all terms of a monitoring agreement, if required.

4. Respondent hereby authorizes the individuals and entities required to report pursuant to the foregoing Consent Order, to release to the Department and the Department of Attorney General any and all information necessary for full compliance with the foregoing Consent Order and to assure protection of the public health, safety and welfare.

5. Elaine Stefanski, L.P.N., a member of the Board who supports this proposal, and the Department's representative are both free to discuss this matter with the Board's Disciplinary Subcommittee and recommend acceptance of the resolution set forth in the foregoing Consent Order.

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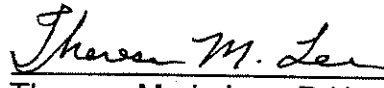
6. The foregoing Consent Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Board's Disciplinary Subcommittee in this cause.

7. The foregoing proposal is conditioned upon acceptance by the Board's Disciplinary Subcommittee, Respondent and the Department expressly reserving the right to further proceedings without prejudice should the Consent Order be rejected.

AGREED TO BY:


Carole H. Engle, Director
Bureau of Health Care Services
Department of Licensing and
Regulatory Affairs

AGREED TO BY:


Theresa Marie Lee, R.N.
Respondent

Dated: 12-23-13

Dated: 12-9-13

This is the final page of a Consent Order and Stipulation in the matter of Theresa Marie Lee, R.N., f/k/a Theresa Marie Somers, File Number 47-13-128493, before the Disciplinary Subcommittee of the Michigan Board of Nursing, consisting of nine pages, this page included.

KRS

File # 47-13-128493

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Bureau of Health Care Services

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the matter of

THERESA MARIE LEE, R.N.

f/k/a Theresa Marie Somers

License Number: 47-04-146035

File Number: 47-13-128493

ORDER OF SUMMARY SUSPENSION

An Administrative Complaint has been filed against the above-named Respondent as provided by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq., the rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.; and

After careful consideration of the documentation filed in said cause and after consultation with the Chairperson of the Board of Nursing pursuant to section 16233(5) of the Public Health Code, supra, the Department of Licensing and Regulatory Affairs hereby finds that the public health, safety, or welfare requires emergency action; now therefore,

IT IS HEREBY ORDERED that Respondent's license to practice as a registered nurse in the state of Michigan shall be and hereby is SUMMARILY SUSPENDED, commencing the date this order is served.

Under 1996 AACR, R338.1610, Respondent has the right to petition for the dissolution of this order of summary suspension. This petition shall clearly state that it is a "Petition for Dissolution of Summary Suspension" and shall be filed with the Department of Licensing and Regulatory Affairs, Bureau of Health Care Services, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS

By: 

Carole H. Engle, Director
Bureau of Health Care Services

Dated: 9-24-13

STATE OF MICHIGAN - INGHAM COUNTY
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Bureau of Health Care Services

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the matter of

THERESA MARIE LEE, R.N.
f/k/a Theresa Marie Somers
License Number: 47-04-146035

File Number: 47-13-128493

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Licensing and Regulatory Affairs, hereafter Complainant, by Carole H. Engle, Director, Bureau of Health Care Services, and files this complaint against Theresa Marie Lee, R.N., f/k/a Theresa Marie Somers, hereafter Respondent, alleging upon information and belief as follows:

1. The Michigan Board of Nursing, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.
2. Respondent is currently licensed to practice as a registered nurse in the state of Michigan.
3. Section 16233(5) of the Public Health Code, supra, provides, in pertinent part, as follows:

After consultation with the chair of the appropriate board or task force or his or her designee, the department may summarily suspend a license or registration if the public health, safety, or welfare requires emergency action in accordance with section 92 of the administrative procedures act of 1969, being section 24.292 of the Michigan Compiled Laws.

4. Section 16106a of the Public Health Code, being MCL 333.16106a, defines substance abuse as a "substance use disorder as defined in section 100d of the mental health code, 1974 PA 258, MCL 330.1100d."

5. Section 100d(11) of the Mental Health Code, being MCL 330.1100d(11), defines substance use disorder as a "chronic disorder in which repeated use of alcohol, drugs, or both, results in significant and adverse consequences. Substance abuse is considered a substance use disorder."

6. Section 100d(10) of the Mental Health Code, being MCL 330.1100d(10), defines substance abuse as:

...the taking of alcohol or other drugs at dosages that place an individual's social, economic, psychological, and physical welfare in potential hazard or to the extent that an individual loses the power of self-control as a result of the use of alcohol or drugs, or while habitually under the influence of alcohol or drugs, endangers public health, morals, safety, or welfare, or a combination thereof.

7. Demerol and hydrocodone are schedule 2 controlled substances.
Tylenol #3 is a schedule 3 controlled substance.

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8. On April 22, 1987, the Board issued a Consent Order and Stipulation which suspended Respondent's nursing license for a minimum period of six months and one day. The disciplinary action was based on Respondent's admitted taking of Demerol from her place of employment for personal use. On December 14, 1987, Respondent's nursing license was reinstated and Respondent was placed on probation for a period of one year.
9. On February 17, 1989, the Board issued a Consent Order and Stipulation which revoked Respondent's nursing license. The disciplinary action was based on Respondent's admitted taking of Tylenol #3 from her place of employment for personal use.
10. On June 1, 1993, the Board issued a Final Order Granting Reinstatement which limited Respondent's nursing license from having access to controlled substances and placed her on probation with terms.
11. On December 17, 1994, the Board issued a Final Order Granting Reclassification which reinstated Respondent's nursing license to a full and unlimited status.
12. From July 3, 2012 to April 24, 2013, Respondent was employed as a registered nurse at Lake Woods Nursing and Rehabilitation Center in Muskegon, Michigan.
13. On April 24, 2013, facility management requested that Respondent submit to a urine drug screen after discovering Respondent's narcotic dispensing for residents was inconsistent with other facility nurse's dispensing practices. Respondent

refused to submit to the requested urine drug screen and resigned in lieu of termination from employment at the facility. Facility management later reported Respondent's resignation to Complainant pursuant to section 20175(5) of the Public Health code, supra.

14. On August 15, 2013, Respondent contacted the HPRP.

15. On August 19, 2013, Respondent underwent an initial interview with the HPRP and admitted to taking hydrocodone from the facility for personal use due to her severe depression. Respondent informed the HPRP that she had a history of mental health and substance abuse treatment from 1998 through 2012. Respondent further stated she had a history of "alcohol problems" and stated she was "sober" from 1992 to March 20, 2013, with a relapse in 2011.

16. On August 27, 2013, Respondent telephoned the HPRP and requested her case be closed due to financial constraints. As a result, the HPRP closed Respondent's case and forwarded the matter to Complainant for disposition.

COUNT I

Respondent's conduct, as set forth above, evidences a conduct, practice, or condition, which impairs, or may impair, the ability to safely and skillfully practice the health profession, in violation of section 16221(a) of the Public Health Code, supra.

COUNT II

Respondent's conduct, as set forth above, evidences substance use disorder, in violation of section 16221(b)(ii) of the Public Health Code, supra.

COUNT III

Respondent's conduct, as set forth above, indicates that Respondent suffers from a mental or physical inability reasonably related to and adversely affecting Respondent's ability to practice in a safe and competent manner, in violation of section 16221(b)(iii) of the Public Health Code, supra.

WHEREFORE, Complainant requests that a hearing be scheduled pursuant to the Administrative Procedures Act of 1969, MCL 24.201 et seq: the Public Health Code, and the rules promulgated thereunder, to determine whether disciplinary action should be taken against Respondent for the reasons set forth above.

FURTHER, pending a hearing and final determination of the within cause, and pursuant to section 16233(5) of the Public Health Code, supra, Complainant states that the public health, safety, and welfare requires emergency action and Respondent's license to practice as a registered nurse and license to practice as a registered nurse in the state of Michigan shall be accordingly summarily suspended.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Carole H. Engle, Director, Bureau of Health Care Services, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

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RESPONDENT IS FURTHER NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above shall be treated as an admission of the allegations contained herein and shall result in transmittal of this complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

DATED: 9-24-13


Carole H. Engle, Director
Bureau of Health Care Services

This is the final page of an Administrative Complaint in the matter of Theresa Marie Lee, R.N., f/k/a Theresa Marie Somers, File Number 47-13-128493, before the Disciplinary Subcommittee of the Michigan Board of Nursing, consisting of six pages, this page included.

krs

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