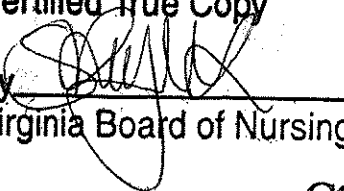


Certified True Copy

By   
Virginia Board of Nursing



RECEIVED

SEP 18 2013

VA BD OF NURSING

COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.  
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

September 17, 2013

Nicole Renee Todd Hirt Doroski  
6031 Bingley Road  
Alexandria, VA 22315

**CERTIFIED MAIL**

**DUPLICATE COPY  
VIA FIRST CLASS MAIL**

DATE 9/18/13

RE: License No.: 0001-217328

Dear Ms. Doroski:

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 September 17, 2013. 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 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,

Dianne L. Reynolds-Cane, M.D., Director  
Department of Health Professions

Enclosures  
Case # 152162

**VIRGINIA:**

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: NICOLE RENEE TODD HIRT DOROSKI, R.N.**  
**License No.: 0001-217328**

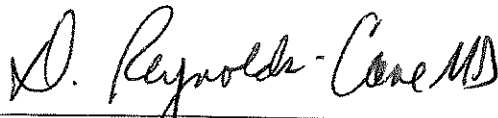
**ORDER**

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Nicole Renee Todd Hirt Doroski, R.N., to practice nursing in the Commonwealth of Pennsylvania was suspended by a Consent Agreement and Order dated July 18, 2013. A certified copy of the Consent Agreement and Order 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 license of Nicole Renee Todd Hirt Doroski, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Nicole Renee Todd Hirt Doroski, R.N., will be recorded as suspended and no longer current. Should Ms. Doroski 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.



\_\_\_\_\_  
Dianne L. Reynolds-Cane, M.D., Director  
Department of Health Professions

ENTERED: \_\_\_\_\_

9-17-13



# COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.  
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, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Consent Agreement and Order dated July 18, 2013, regarding Nicole Renee Todd Hirt Doroski, R.N., are true copies of the records received from the Commonwealth of Pennsylvania State Board of Nursing.

*D. Reynolds-Cane MD*

\_\_\_\_\_  
Dianne L. Reynolds-Cane, M.D.

Date: 9-17-13

COPY

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF NURSING

PROTHONOTARY  
2013 JUL 22 AM 10:50  
Department of State

Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs

File No.: 12-51-04993

vs.

Nicole Renee Hirt, R.N.,  
Respondent

Docket No: 0005 -51-13

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and Nicole Renee Hirt, R.N. ("Respondent") stipulate as follows in settlement of the above-captioned case.

APPLICABLE LAW

1. This matter is before the State Board of Nursing ("Board") pursuant to Professional Nursing Law, Act of May 22, 1951, P.L. 317, ("Act"), 63 P.S. §§ 211-226, as amended; and/or the Act of July 2, 1993, P.L. 345, No. 48 ("ACT 48"), 63 P.S. §§ 2201-2207, as amended.

LICENSURE STATUS

2. At all relevant and material times, Respondent held the following license to practice as a registered nurse in the Commonwealth of Pennsylvania: license no. RN596802, which was originally issued on July 29, 2008, and which expired on October 31, 2011.

STIPULATED FACTS

3. The Respondent admits that the following allegations are true:

TRUE AND CORRECT COPY  
CERTIFIED FROM THE RECORD  
THIS 9<sup>th</sup> DAY OF Sept. A.D. 2013

*John L. Werner*  
PROTHONOTARY



a. Respondent's license may be continually reactivated, renewed, or reinstated upon the filing of the appropriate documentation and payment of the necessary fees.

b. Respondent's last known office address, as on file with the Board is:  
754 Minerva Street, East Liverpool, OH 43920

c. At all relevant and material times, Respondent was authorized to practice as a registered nurse in the State of Ohio Board of Nursing, license number RN-286598.

d. On or about March 19, 2010, the Ohio Board of Nursing ("Ohio Board"), by way of Consent Agreement found Respondent to be in violation of the laws, rules, code and/or regulations of the Ohio Board because Respondent violated Section 4723.28, ORC, in that Respondent submitted to a drug screen that was positive and Section 4723.28(B)(8), ORC, for self-administering or taking into the body a dangerous drug in a way not in accordance with a legal, valid prescription.

e. A true and correct copy of the Ohio Board's March 19, 2010 Consent Agreement is attached as Exhibit A and is incorporated by reference.

f. Pursuant to the March 19, 2010 Consent Agreement, the Ohio Board suspended Respondent's license for an indefinite period. See attached Exhibit A.

#### ALLEGED VIOLATIONS

4. The Commonwealth alleges that the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 14(a) of the Act, 63 P.S. § 224(a); or impose a civil penalty under Section 13(b) of the Act, 63 P.S. § 223(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of

ACT 48, 63 P.S. § 2205(b)(5), because Respondent violated the Act at Section 14(a)(6), 63 P.S. § 224(a)(6), in that Respondent had his or her license suspended or revoked or has received other disciplinary action by the proper licensing authority in another state, territory, possession or country.

**PROPOSED ORDER**

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. The Board finds that it is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 14(a) of the Act, 63 P.S. § 224(a); or impose a civil penalty under Section 13(b) of the Act, 63 P.S. § 223(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent violated the Act at Section 14(a)(6), 63 P.S. § 224(a)(6), in that Respondent had his or her license suspended or revoked or has received other disciplinary action by the proper licensing authority in another state, territory, possession or country.

**INDEFINITE SUSPENSION**

b. Respondent's license to practice as a registered nurse in the Commonwealth of Pennsylvania, license no. RN596802, along with any other licenses, registrations, certificates, approvals, authorizations, or permits (hereinafter referred to collectively as "authorizations to practice the profession") issued by the Board to Respondent at the time this Consent Agreement is adopted by the Board are hereby INDEFINITELY SUSPENDED.

c. Respondent shall, within ten (10) days of the beginning of any period of active suspension, surrender her biennial renewal certificate and wallet card (or notarized affidavit of their loss or destruction) by mailing them to:

Michael J. Gennett, Esquire  
Prosecuting Attorney  
Bureau of Professional and Occupational Affairs  
P.O. Box 2649  
Harrisburg, PA 17105-2649

or by delivering them in person at:

Bureau of Professional and Occupational Affairs  
One Penn Center  
2601 North 3rd St.  
Harrisburg, Pennsylvania

d. Upon the effective date of the Consent Agreement, and during any ~~period of active suspension, Respondent shall cease and desist from practicing as~~ a registered nurse, and shall not represent herself as a Board licensee in any matter during any period of active suspension.

e. Respondent is advised that if the period of active suspension continues past the end of the current renewal period, prior to Respondent's license being reinstated, Respondent will be required to comply with the requirements for renewal of her license in effect at that time.

f. This Order constitutes disciplinary action by the Board and shall be reported to other licensing authorities and any applicable national licensing databank as a disciplinary action by the Board.

g. This case shall be deemed settled and discontinued upon the Board issuing an Order adopting this Consent Agreement.

## REINSTATEMENT REQUIREMENTS

h. Respondent may seek reactivation, renewal, reissuance or reinstatement of Respondent's professional nursing license by doing the following:

(1) File a written Petition along with an Affidavit of Non-Practice indicating that Respondent has not practiced nursing in Pennsylvania while Respondent's license was suspended, with the Counsel to the Board, P.O. Box 2649, Harrisburg, PA 17105-2649.

(2) Submit a Criminal History Record Information from a governmental agency from all states in which the Respondent as resided since the suspension, compiled no more than sixty (60) days prior to the petition for reinstatement;

(3) Show that her license to practice nursing in the state of Ohio was reinstated.

(4) Show that Respondent has met all statutory and regulatory qualifications for relicensure and/or reinstatement;

(5) Successfully complete any requirements that are imposed by the Board and/or by Pennsylvania law at Respondent's own expense, including any required evaluations, tests, and examinations.

(6) Meet the continued competency requirements set forth at 49 Pa. Code §21.30a if the suspension lasts five years or longer



or if the Respondent does not have an active license for five years or longer;

(7) Submit documentation demonstrating completion of 30 hours of continuing education within the biennial period immediately preceding the petition for reinstatement in accordance with 49 Pa. Code §§21.131-21.134; and

(8) Submit to the Board satisfactory evidence that Respondent is able to practice nursing with reasonable skill and safety to patients at a hearing held pursuant to 1 Pa. Code §31.1 et. seq.; and such evidence shall include, but is not limited to, the following:

(i) An evaluation and assessment from a treatment professional approved by the Professional Health Monitoring Program, dated no more than thirty (30) days prior to petition for reinstatement, indicating that Respondent is fit to safely practice as a nurse and indicating any conditions for monitoring by the Board. Respondent may obtain the names of treatment professionals approved by the Board by contacting the Professional Health Monitoring Program, P.O. Box 2649, Harrisburg, PA 17105, telephone (717) 783-4857;

(ii) Results of periodic and random drug and alcohol testing indicating the lack of mood altering drugs,

controlled substances, drugs of abuse, and illicit substances/drugs, the last to be completed to be completed no more than thirty (30) days prior to petition for reinstatement;

(9) Respondent understands that if the Board reinstates Respondent's license after considering the evidence, Respondent must pay any fees required under 49 Pa. Code §21.5 before Respondent's license will be reinstated.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

6. Respondent agrees that if Respondent is charged with a violation of an Act enforced by this Board in the future, this Consent Agreement and Order shall be admitted into evidence ~~without objection in that proceeding.~~

ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING

7. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

8. Respondent acknowledges that she is aware that she has the right to consult with, and/or be represented by, private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement. To

the extent that Respondent is not represented by legal counsel, Respondent has knowingly elected to proceed without the assistance of legal counsel.

WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS

9. Respondent expressly waives any constitutional rights and issues, such as commingling of prosecutorial and adjudicative functions by the Board or its counsel, which may arise or have arisen during the negotiation, preparation and/or presentation of this Consent Agreement. Respondent specifically agrees that if the Board rejects this agreement, it may assume that the facts and averments as alleged in this Consent Agreement are true and correct for the limited purpose of recommending a sanction, based on those assumed facts that would be acceptable to the Board before hearing the case. In the event that the Board does assume the facts and averments as alleged in this Consent Agreement are true for purposes of making a recommendation as to an acceptable sanction, such action shall not constitute commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Respondent expressly waives any constitutional rights and issues related to alleged commingling, bias, or violation of due process rights to have an unbiased and impartial adjudicator in any subsequent hearing. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at hearing unless otherwise separately stipulated. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

NO MODIFICATION OF ORDER

10. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

AGREEMENT NOT BINDING ON OTHER PARTIES

11. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the Board issues the stipulated Order.

EFFECT OF BOARD'S REJECTION OF CONSENT AGREEMENT

12. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

ENTIRE AGREEMENT

13. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.


AGREEMENT DOES NOT PREVENT ADDITIONAL DISCIPLINE BASED ON OTHER COMPLAINTS

14. Nothing in this Order shall preclude the Prosecution Division for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement;


VERIFICATION OF FACTS AND STATEMENTS

Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent

understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Michael J. Gennett, Esquire  
Prosecuting Attorney

DATED: 5/21/2013

  
\_\_\_\_\_  
Nicole Renee Hirt, R.N.  
Respondent

DATED: 5/16/2013

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF NURSING

Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs

File No.: 12-51-04993

vs.

Nicole Renee Hirt, R.N.,  
Respondent

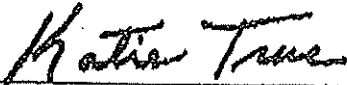
Docket No: 0005 -51-13

ORDER

AND NOW, this 18<sup>th</sup> day of July 2013, the STATE BOARD OF NURSING  
("Board") adopts and approves the foregoing Consent Agreement and incorporates the terms of  
paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this  
matter.

This Order shall take effect immediately.

BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS

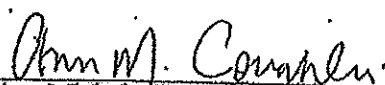
  
Katie True  
Commissioner

For the Commonwealth:

For the Respondent:

Date of mailing: July 26, 2013

BY ORDER:  
STATE BOARD OF NURSING

  
Ann Michele Coughlin, MBA, MSN, RN  
Chairman

Michael J. Gennett, Esquire  
2601 North Third Street  
P. O. Box 2649  
Harrisburg, PA 17105-2649

Nicole Renee Hirt  
754 Minerva Street  
East Liverpool, OH 43920



# Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

## CONSENT AGREEMENT BETWEEN NICOLE RENEE HIRT, R.N. AND OHIO BOARD OF NURSING

This Consent Agreement is entered into by and between NICOLE RENEE HIRT, R.N. (MS. HIRT) 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. HIRT 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). Section 4723.28(B)(8), ORC, authorizes the Board to discipline a licensee for self-administering or otherwise taking into the body any dangerous drug, as defined in Section 4729.01, ORC, in any way not in accordance with a legal, valid prescription issued for that individual. Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Rule 4723-4-06(E), Ohio Administrative Code (OAC), states that a licensed nurse shall, in a complete, accurate, and timely manner, report and document nursing assessments or observations; the care provided by the nurse for the client, and the client's response to that care. Rule 4723-4-06(F), OAC, states that a licensed nurse shall, in an accurate and timely manner, report to the appropriate practitioner errors in or deviations from the current valid order. Rule 4723-4-06(H), OAC, states that a licensed nurse shall implement measures to promote a safe environment for each client.

CERTIFIED TO BE A TRUE COPY

*Carol C. [Signature]*  
OHIO BOARD OF NURSING

8/2/11

EXHIBIT  
A

- B. MS. HIRT was initially licensed in the State of Ohio in 1999 as a registered nurse, RN-286598. MS. HIRT's license lapsed on September 1, 2009.
- C. MS. HIRT also holds active licenses as a registered nurse in the States of Pennsylvania (initially in 2008), Florida (2008), and Virginia (2009), and in the District of Columbia (2009). MS. HIRT is currently working as a nurse in Virginia.
- D. MS. HIRT knowingly and voluntarily admits to the factual and legal allegations set forth in the Notice of Opportunity for Hearing dated July 24, 2009 (July 2009 Notice), a copy of which is attached hereto and incorporated herein.
- E. In her personal statement, MS. HIRT states that she had a legal prescription for Vicodin at the time of her positive screen, referenced in the notice. MS. HIRT failed to provide any explanation for her positive Demerol and Morphine screen. MS. HIRT states she was divorced in 2008 and admits that she allowed her personal issues to interfere with her nursing practice.

#### 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. HIRT knowingly and voluntarily agrees with the Board to the following terms, conditions, and limitations:

#### SUSPENSION OF LICENSE

1. MS. HIRT's license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time, until at least December 1, 2010. MS. HIRT may submit a written request for reinstatement after December 1, 2010, if the conditions for reinstatement have been satisfied.

#### CONDITIONS FOR REINSTATEMENT

2. MS. HIRT shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
3. MS. HIRT shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
4. Within six (6) months prior to requesting reinstatement, MS. HIRT agrees that she will submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of MS. HIRT, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit MS. HIRT's criminal records check reports to the Board. MS. HIRT agrees that a



request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.

5. Prior to requesting reinstatement, MS. HIRT shall provide the Board with written documentation that she notified the Pennsylvania, Florida, Virginia, and District of Columbia Boards of Nursing of this Consent Agreement and the July 2009 Notice.
6. Prior to reinstatement, MS. HIRT shall enter into a Consent Agreement with the Board for probationary terms, conditions, and limitations determined by the Board for a minimum period of three (3) years following reinstatement.

#### Psychiatric Evaluation

7. Upon the request of the Board or its designee and within sixty (60) days of that request, MS. HIRT shall, at her own expense, obtain a comprehensive evaluation by a psychiatrist who is approved in advance by the Board. MS. HIRT shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, MS. HIRT shall provide the evaluating psychiatrist with a copy of this Consent Agreement and the July 2009 Notice. Further, MS. HIRT shall execute releases to permit the evaluating 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 to be placed on MS. HIRT's license to practice, and stating whether MS. HIRT is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. MS. HIRT shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the psychiatrist described above until released. Further, MS. HIRT agrees that the Board may utilize the psychiatrist's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on MS. HIRT's license and that the terms, conditions, and limitations may be incorporated in an addendum to this Consent Agreement.

#### Monitoring of Rehabilitation and Treatment

9. MS. HIRT 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. HIRT's history of chemical dependency and recovery status. MS. HIRT shall self-administer the prescribed drugs only in the manner prescribed.
10. MS. HIRT shall abstain completely from the use of alcohol.
11. Within three (3) months immediately prior to requesting reinstatement, MS. HIRT shall, at her own expense, obtain 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. HIRT shall provide the chemical dependency professional with a copy of this Consent Agreement and the July 2009 Notice. Further, MS. HIRT shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions to be placed on MS. HIRT's license to practice, and stating whether MS. HIRT is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

12. MS. HIRT 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. HIRT agrees that the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on MS. HIRT's license and that the terms, conditions, and limitations may be incorporated in an addendum to this Consent Agreement.
13. For a minimum, continuous period of nine (9) months immediately prior to requesting reinstatement, MS. HIRT shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and MS. HIRT shall provide satisfactory documentation of such attendance to the Board prior to requesting reinstatement.
14. For a minimum, continuous period of nine (9) months immediately prior to requesting reinstatement, MS. HIRT shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after MS. HIRT's initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by MS. HIRT shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of MS. HIRT's history of chemical dependency and recovery status.
  - a. Within thirty (30) days prior to MS. HIRT initiating drug screening, MS. HIRT shall provide a copy of this Consent Agreement and the July 2009 Notice, to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to MS. HIRT.

- b. After initiating drug screening, MS. HIRT shall be under a continuing duty to provide a copy of this Consent Agreement and the July 2009 Notice prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, MS. HIRT shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.

#### Reporting Requirements of Licensee

15. MS. HIRT shall report to the Board, in writing, any violation of this Consent Agreement within thirty (30) days of the occurrence of the violation.
16. MS. HIRT shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
17. MS. HIRT 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.
18. MS. HIRT 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.
19. MS. HIRT 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 Compliance Unit of the Board.
20. MS. HIRT shall submit the reports and documentation required by this Consent Agreement to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
21. MS. HIRT shall verify that the reports and documentation required by this Consent Agreement are received in the Board office.
22. MS. HIRT shall inform the Board within five (5) business days, in writing, of any change in address and/or telephone number.

#### Nursing Refresher Course or Orientation

Upon the request of the Board or its designee, MS. HIRT shall, prior to working in a position where a nursing license is required, complete and submit satisfactory documentation of completion of a nursing refresher course or an extensive orientation approved in advance by the Board or its designee.

Temporary Narcotic Restrictions

MS. HIRT shall not administer, have access to, or possess (except as prescribed for MS. HIRT's use by another so authorized by law who has full knowledge of MS. HIRT's history of chemical dependency and recovery status) any narcotics, other controlled substances, or mood altering drugs for a minimum period of Twelve (12) MONTHS in which MS. HIRT is working in a position that requires a nursing license. At any time after the twelve-month period previously described, MS. HIRT may submit a written request to the Board to have this restriction re-evaluated. In addition, MS. HIRT shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. MS. HIRT shall not call in or order prescriptions or prescription refills.

Permanent Practice Restrictions

MS. HIRT further knowingly and voluntarily agrees with the Board to the following PERMANENT LICENSURE RESTRICTIONS:

Unless otherwise approved in advance by the Board or its designee, MS. HIRT 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) 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. HIRT to provide nursing services for fees, compensation, or other consideration or as a volunteer.

Unless otherwise approved in advance by the Board or its designee, MS. HIRT shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

FAILURE TO COMPLY

The 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. HIRT 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, other than the permanent licensure restriction(s), may be modified or terminated, in writing, at any time upon the agreement of both MS. HIRT and the Board.

The Board may only alter the indefinite suspension imposed if: (1) MS. HIRT submits a written request for reinstatement; (2) the Board determines that MS. HIRT has complied with all conditions of reinstatement; (3) the Board determines that MS. HIRT is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with MS. HIRT and review of the documentation specified in this Consent Agreement; and (4) MS. HIRT has entered into a Consent Agreement with the Board for probationary terms, conditions, and limitations determined by the Board for a minimum period of three (3) years following reinstatement.

#### ACKNOWLEDGMENTS/LIABILITY RELEASE

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

MS. HIRT 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 that are the subject of this Consent Agreement.

This Consent Agreement is not an adjudication order as discussed in Chapter, 119, 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.

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.

Nicole Renee Hirt, R.N.  
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EFFECTIVE DATE

MS. HIRT 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.

Nicole Renee Hirt RN  
NICOLE RENEE HIRT, R.N.

2/12/10  
DATE

LATONIA DENISE WRIGHT, ESQ.  
LATONIA DENISE WRIGHT, ESQ.  
Attorney for Nicole Renee Hirt, R.N.

2/27/10  
DATE

BERTHA LOVELACE, President  
BERTHA LOVELACE, President  
Ohio Board of Nursing

3/19/10  
DATE



# Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 Columbus, Ohio 43215-7410 (614) 466-3947

July 24, 2009

## NOTICE OF OPPORTUNITY FOR HEARING

Nicole Renee Hirt, R.N.  
443 Union Street Ext  
Columbiana, Ohio 44408

Dear Ms. Hirt:

In accordance with Chapter 119, of the Ohio Revised Code (ORC), you are hereby notified that the Ohio Board of Nursing (Board) proposes under the authority of Section 4723.28, ORC, to deny, permanently revoke, revoke, suspend or place restrictions on your license to practice nursing as a registered nurse; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation for the following reasons:

1. While working as a nurse at Salem Community Hospital in Salem, Ohio, on or about July 14, 2008, you submitted to a drug screen that was positive for Demerol, Meperidine and Normeperidine. You were sent to the drug screen after discrepancies in your use of Demerol and Morphine were noted. Your employment was terminated on or about July 28, 2009.

Section 4723.28(B)(8), ORC, authorizes the Board to discipline a licensee for self-administering or otherwise taking into the body any dangerous drug, as defined in Section 4729.01, ORC, in any way not in accordance with a legal, valid prescription issued for that individual.

2. While working as a nurse at Salem Community Hospital, the following discrepancies in your use of Demerol and Morphine were noted:

- a. For Patient #1 [see attached Patient Key - to Remain Confidential and Not Subject to Public Disclosure], who had an order for Meperidine (Demerol) 25mg IV every 4 hours as needed, you withdrew Demerol 25mg at the following times but did not document administration, need for the medication or waste:

- 1) July 12, 2008 at 00:06 hours;
- 2) July 12, 2008 at 21:50 hours [another nurse withdrew and documented administration of Lortab at 21:17 hours];
- 3) July 13, 2008 at 05:00 hours;
- 4) July 13, 2008 at 22:38 hours; and

CERTIFIED TO BE A TRUE COPY

*Carol E. Merischn* 8/2/2012

OHIO BOARD OF NURSING

5) July 14, 2008 at 03:50 hours.

b. For Patient #2, who had an order for Morphine Sulfate 2mg IV every 4 hours, you did the following:

- 1) On or about July 13, 2008 at 00:09 hours, you withdrew 4mg and documented administration of only 2mg in Nurse's Notes. You did not document waste or administration of the remaining 2mg.
- 2) On or about July 13, 2008 at 07:45 hours, you withdrew 4mg and documented administration in the ADMINRX. You did not document administration in the Nurse's Notes, you did not document the quantity of Demerol you administered, and you did not document any waste.

Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Rule 4723-4-06(B), Ohio Administrative Code (OAC), states that a licensed nurse shall, in a complete, accurate, and timely manner, report and document nursing assessments or observations, the care provided by the nurse for the client, and the client's response to that care. Rule 4723-4-06(G), OAC, states that a licensed nurse shall implement measures to promote a safe environment for each client.

c. For Patient #3, who had an order for Demerol 12.5mg with Phenergan 12.5mg IV every 4 hours, you did the following:

- 1) Although you withdrew and documented administration of Demerol 12.5mg on June 28, 2008 at 20:13 hours, approximately 2.5 hours later, at 22:49 hours, you withdrew Demerol 25mg. You documented that you wasted 12.5mg, but you did not document administration or waste of the remaining 12.5mg. At the time of both withdrawals, you did not withdraw Phenergan as ordered to be administered with the Demerol.
- 2) On or about June 29, 2008 at 21:01 hours and July 1, 2008 at 00:11 hours, you withdrew Demerol 25mg and did not document administration or waste. You also did not withdraw Phenergan as ordered to be administered with the Demerol. Further, on or about July 5, 2008 at 07:32 hours, you withdrew Demerol 50mg, documented that you wasted 37.5mg but did not document administration or waste of the remaining 12.5mg. You also did not withdraw Phenergan as ordered to be administered with the Demerol.



Nicole Renee Hirt, R.N.  
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Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Rule 4723-4-06(E), OAC, states that a licensed nurse shall, in a complete, accurate, and timely manner, report and document nursing assessments or observations, the care provided by the nurse for the client, and the client's response to that care. Rule 4723-4-06(F), OAC, states that a licensed nurse shall, in an accurate and timely manner, report to the appropriate practitioner errors in or deviations from the current valid order. Rule 4723-4-06(H), OAC, states that a licensed nurse shall implement measures to promote a safe environment for each client.

Accordingly, the Board is authorized to impose one or more of the sanctions as cited in Section 4723.28, ORC.

In accordance with Chapter 119, ORC, you are hereby informed that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the Board office within thirty (30) days of the time of mailing of this notice.

You are hereby further informed that, if you timely request a hearing, you are entitled to appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the Board, or you may present your position, arguments, or contentions in writing. At the hearing you may also present evidence and examine witnesses appearing for and against you.

Should you choose to request a hearing, please mail or deliver the request, in addition to any other correspondence regarding this matter, to: Lisa Ferguson-Ramos, Compliance Manager, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, Ohio 43215-7410 or [hearing@nursing.ohio.gov](mailto:hearing@nursing.ohio.gov).

If the Board fails to receive a request for a hearing within thirty (30) days of the time of mailing of this notice, the Board may, in your absence and upon consideration of the factual and legal allegations set forth in this Notice of Opportunity for Hearing, deny, permanently revoke, revoke, suspend or place restrictions on your license to practice nursing as a registered nurse; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation.

Sincerely,



Anne Barnett, R.N., B.S.N., C.W.S.  
Supervising Board Member

Certified Mail Receipt No. 7009 0820 0002 3386 8268  
Attorney Certified Mail Receipt No. 7009 0820 0002 3386 8275

cc: Melissa Wilburn, Assistant Attorney General  
Latonia Denise Wright, Esq.