

Case # [REDACTED]



Ohio Board of Nursing

www.nursing.ohio.gov

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

May 21, 2010

NOTICE OF OPPORTUNITY FOR HEARING

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

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 renewal; permanently deny renewal; revoke; permanently revoke; suspend or place restrictions on your license to practice nursing as a licensed practical 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:

- A. On or about February 16, 2010, in [REDACTED] County Court of Common Pleas Case No. [REDACTED], you were convicted of one (1) count of Operation While Under the Influence of Alcohol, in violation of Section 4511.19(A)(1)(d), ORC, (3 priors in six years), a felony of the fourth degree.

The underlying acts consist of you, on August 19, 2009, operating a vehicle while under the influence of alcohol. You were arrested and submitted a breath alcohol test with a result of 0.223. You had three prior convictions in the [REDACTED] Municipal Court, [REDACTED], Ohio, for driving under the influence within six years of your arrest, to wit: on or about January 20, 2004; July 9, 2004; and June 9, 2006.

Section 4723.28(B)(4), 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, any felony or of any crime involving gross immorality or moral turpitude.

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 to the e-mail address, 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 renewal; permanently deny renewal; permanently revoke; revoke; suspend or place restrictions on your license to practice nursing as a licensed practical nurse; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation.

Sincerely,

Anne E. Barnett

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

Certified Mail Receipt No. [REDACTED]

cc: Melissa L. Wilburn, Assistant Attorney General