

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Lori Linton Nelson, RN, PMHNP) **PROBATION**
)
) **Reference No. 15-00938**

Lori Linton Nelson (Licensee) was issued a Nurse Practitioner license by the Oregon State Board of Nursing (Board) on May 13, 1998.

On or about January 6, 2015, the Board received information that Licensee had inappropriately prescribed medications to patients under her care without adequate assessment and documentation. The Board opened an investigation into the matter.

On March 18, 2015, Licensee voluntarily signed an Interim Order by Consent, restricting her prescribing privileges for controlled (schedule II-IV substances) pending further Order by the Board.

During the course of the investigation, information was obtained which identified areas of Licensee's practice of prescribing medications, including opiates and medications for health conditions outside of a patient's mental health care needs, which deviated from Licensee's scope of practice as a PMHNP.

Additionally, a review of Licensee's medical records and prescribing history over an extended period of time identified a pattern of prescribing which raised cause for concern related to Licensee's prescribing of Benzodiazepines and Stimulant medications to multiple patients. These concerns included but were not limited to; Licensee's prescribing practices included prescribing multiple prescriptions of potentially addictive substances to patients with dual diagnoses of Substance Use Disorder and Mental Health diagnoses without adequate screening, diagnostic testing completed and/or documented for contraindications in prescribing these medications. Licensee also failed to provide evidence of regular urine drug screens, controlled substance contracts or documentation of collaboration with multidisciplinary members of the health care team.

Licensee acknowledges the Board's concerns regarding her practice and has ceased prescribing any medications to patients for purposes other than for the treatment of Mental Health Conditions. Additionally, Licensee has completed numerous continuing education coursework in the last 12 months to assist in the remediation of her practice and increase her knowledge and skills as a PMHNP.

Licensee has cooperated with the Board's investigation and wishes to settle the present disciplinary matter through a stipulated agreement.

By the above actions, Licensee is subject to discipline pursuant to the following: ORS 678.111

(1) (f) and (g); ORS 678.375 (4); ORS 678.380 (1), (2) and (3); ORS 678.385; OAR 851-0045-0070 (1) (a), (b) and (c); OAR 851-050.0005 (4) (a), (b), (c), (d) and (e); (5) (g), (h) (i) and (l); (6), (7), (8), (9) (i). which reads as follows:

ORS 678.111 Causes for denial, revocation, suspension of license or probation, reprimand or censure of licensee In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

ORS 678.375: Nurse practitioners; certificates; prohibitions; authority to sign death certificates; drug prescriptions.

(4) A registered nurse, certified as a nurse practitioner, is authorized to prescribe drugs for the use of and administration to other persons if approval has been given under ORS 678.390. The drugs which the nurse practitioner is authorized to prescribe shall be included within the certified nurse practitioner's scope of practice as defined by rules of the board subject to ORS 678.385. (1) and (6); OAR 851-00454-0070 (1) (a), (d) and (n); (4) (a) and (b); OAR 851-050.0005

ORS 678.380 Rules for nurse practitioners; scope. The Oregon State Board of Nursing may adopt rules applicable to nurse practitioners:

(1) Which establish their education, training and qualifications necessary for certification.

(2) Which limit or restrict practice.

(3) Which establish categories of nurse practitioner practice and define the scope of such practice.

ORS 678.385 Prescription formulary; rules. The Oregon State Board of Nursing by rule shall determine the drugs and medicines to be included in the formulary that may be prescribed by a nurse practitioner acting under ORS 678.375, including controlled substances listed in schedules II, III, III N, IV and V. The board shall revise the formulary periodically. [1979 c.785 §16; 1987 c.79 §1; 1989 c.1006 §4; 1991 c.295 §1; 1993 c.742 §4; 1999 c.536 §1]

ORS 678.390 Authority of nurse practitioner to write prescriptions or dispense drugs; notice; requirements; revocation; rules.

(1) The Oregon State Board of Nursing may grant to a certified nurse practitioner the privilege of writing prescriptions described in the formulary under ORS 678.385.

ORS 678.390.0

(6) The privilege of writing prescriptions and dispensing drugs may be denied, suspended or revoked by the Oregon State Board of Nursing upon proof that the privilege has been abused. The procedure shall be a contested case under ORS chapter 183. Disciplinary action under this subsection is grounds for discipline of the nurse practitioner in the same manner as a licensee may be disciplined under ORS 678.111 [1979 c.785 §17; 1981 c.693 §29; 1983 c.486 §58; 1985 c.747 §53; 1987 c.79 §2; 1993 c.742 §5; 2003 c.617 §1]

OAR 851-045.0070: Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(1) Conduct related to the client's safety and integrity:

(a) Developing, modifying, or implementing standards of nursing practice/care which jeopardize patient safety.

(d) Failing to modify, or failing to attempt to modify the plan of care as needed based on nursing assessment and judgment, either directly or through proper channels.

(n) Failing to maintain professional boundaries with a client.

(4) Conduct related to achieving and maintaining clinical competency:

(a) Performing acts beyond the authorized scope or the level of nursing for which the individual is licensed.

(b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

OAR 851-050.0005: Nurse Practitioner Scope of Practice

(4) Within his or her specialty, the nurse practitioner is responsible for managing health problems encountered by the client and is accountable for health outcomes. This process includes:

(a) Assessment;

(b) Diagnosis;

(c) Development of a plan;

(d) Intervention;

(e) Evaluation.

(5) The nurse practitioner is independently responsible and accountable for the continuous and comprehensive management of a broad range of health care, which may include:

(g) Consultation and/or collaboration with other health care providers and community resources;

(h) Referral to other health care providers and community resources;

(i) Management and coordination of care;

(l) Prescribing, dispensing, and administration of therapeutic devices and measures, including legend drugs and controlled substances as provided in Division 56 of the Oregon Nurse Practice Act, consistent with the definition of the practitioner's specialty category and scope of practice.

6) The nurse practitioner scope of practice includes teaching the theory and practice of advanced practice nursing.

(7) The nurse practitioner is responsible for recognizing limits of knowledge and experience, and for resolving situations beyond his/her nurse practitioner expertise by consulting with or referring clients to other health care providers.

(8) The nurse practitioner will only provide health care services within the nurse practitioner's scope of practice for which he/she is educationally prepared and for which competency has been established and maintained. Educational preparation includes academic coursework, workshops or seminars, provided both theory and clinical experience are included.

(9) The scope of practice as previously defined is incorporated into the following specialty categories and further delineates the population served:

(i) Psychiatric/Mental Health Nurse Practitioner (PMHNP) - The Psychiatric/Mental Health Nurse Practitioner independently provides health care to clients with mental and emotional needs and/or disorders;

Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

Licensee shall be placed on probation effective 5 business days from the date the Board approves this Stipulated Order for Probation. Licensee's compliance with this Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a six (6) month period of probation to begin upon Licensee's return to practice, monitored as outlined below.

Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

Licensee shall comply with the following terms and conditions of probation:

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have eighteen (18) months from Board's acceptance of this Order to complete six (6) months of monitored practice.
3. The primary health care setting in which Licensee is employed for the majority of her practice hours per month (hereinafter "the primary worksite setting") shall be monitored. This setting will include the onsite presence of another licensed healthcare professional of equal or higher licensure, who works in the same physical location and is readily available to observe Licensee's practice and provide assistance. It is not required that such a licensed healthcare professional be onsite with the Licensee at all times. However, another licensed healthcare professional of equal or higher licensure shall be onsite at least 50% of the time that Licensee is working in the primary worksite setting.
4. Licensee will also receive independent supervision from another PMHNP, in the Board approved primary worksite setting, who has been approved by the Board (hereinafter "Board approved supervisor") and is available to periodically observe her practice, conduct a randomly selected review of her patients' treatment records where Schedule 2-N and Schedule 4-N prescriptions have been written, and provide assistance and guidance as necessary. The Board approved supervisor will provide on-site supervision to Licensee twice a month. The Board approved supervisor will be readily available to Licensee by telephone for consultation.
5. Licensee *may* work as a PMHNP in up to two additional Board approved work settings without direct supervision, for no more than 25% of the total hours worked per month, if Licensee is unable to obtain consent from the worksite employer(s) allowing the independent Board approved supervisor access to Licensee's patient medical records or to provide consultation services by phone.
6. Licensee's primary worksite setting shall be a setting where Licensee's supervisor, in

conjunction with the Board approved supervisor, agrees to provide one collaboratively written evaluation of work performance (on forms provided by the Board) every three (3) months during the probationary period. The evaluation is expected to be received by Board staff within ten (10) business days of the due date. If the evaluation is not timely received, Board staff will contact the employer and Board approved supervisor with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a PMHNP.

Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer or the Board approved supervisor shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct.

7. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
8. Licensee shall maintain an active license.
9. Licensee shall inform Board staff in advance of any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
10. Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
11. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
12. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
13. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. Licensee shall not work in any non-Board approved practice setting. Licensee will inform current and prospective employers of the probationary status of her licensee, the reasons for probation, and terms and conditions of probation and shall provide the employer with a copy of this Order.

14. Licensee, the entities with which she works, and the Board approved supervisor will cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Order.
15. In addition to the foregoing terms and conditions, the Board approved primary worksite setting must also agree to the following:
 - i. The Board approved supervisor will have full access to all treatment records for Licensee's patients.
 - ii. The Board approved supervisor will be free to disclose information regarding Licensee's practice to the Board, as requested and/or deemed necessary by the Board and/or the Board approved supervisor.
 - iii. The clinical and administrative supervisors at the Board approved primary worksite will also be free to disclose information regarding Licensee's practice to the Board and the Board approved supervisor.
16. Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Order.
17. Licensee shall complete fifty (50) hours of Board approved continuing education coursework in prescribing practices and substance abuse and dependence (especially treating dual diagnosis patients), to increase Licensee's skills in assessment, limit-setting, treatment planning, and determining risks versus benefits of prescribing Schedule 2-N and Schedule 4 medications for complex patients. While not all courses need to meet Oregon continuing education requirements for nurse practitioners, they must be approved for continuing education credits for some other jurisdiction and/or licensed healthcare professional.

Upon approval of this Order by the Board of Nursing, the March 18, 2015 Interim Order by Consent restricting Licensee's prescribing privileges will be lifted, and Licensee's prescribing privileges will be fully reinstated.

Licensee understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a critical nature and, if continued, constitutes a serious danger to public health and safety.

Licensee understands that in the event Licensee engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against Licensee's license, up to and including revocation of Licensee's license to practice as a Nurse Practitioner.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, Licensee waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce Licensee to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Lori Linton Nelson, NP

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostecky, MS, MPA, RN
Board President

Date