

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Harmony Holt, NP**

)
) **FINAL ORDER OF REVOCATION**
) **OF REGISTERED NURSE LICENSE**
) **AND NURSE PRACTITIONER**
) **CERTIFICATE BY DEFAULT**

License No. 200740575RN, 201150156NP) Reference No. 13-00927

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Nurse Practitioners. Harmony Holt (Certificate Holder) was issued her Registered Nurse license on March 9, 2007, and her Women's Health Care Nurse Practitioner Certificate on October 27, 2011.

This matter was considered by the Board at its meeting on November 20, 2013.

On October 15, 2013, a Notice stating that the Board intended to revoke the Nurse Practitioner Certificate and Registered Nurse License of Harmony Holt was sent to her via certified and first-class mail to her address of record. The Notice alleged that Certificate Holder had participated in prescription fraud and diversion of controlled substances.

The Notice granted Certificate Holder an opportunity for hearing if requested within twenty (20) days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

-I-

FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. Certificate Holder was issued her Registered Nurse license on March 9, 2007, and her Women's Health Care Nurse Practitioner Certificate on October 27, 2011.
2. On or about December 12, 2011, a prescription was written under Certificate Holder's name for birth control pills for her own use and filled at Rite Aid Pharmacy. During a personal interview with Board staff, Certificate Holder denied prescribing any medications for her own use. This is in violation of ORS 678.111 (1) (d), (f), and (g), and OAR 851-045-0070 (2) (i), (4) (a), (7) (b), (10) (b) and (c) and OAR 851-056-0016 (2) (d).

3. On or about December 21, and 29, 2011, Certificate Holder called in prescriptions to Rite Aid Pharmacy for Alprazolam and Phentermine under the name of DS, a male non-patient who was Certificate Holder's former boyfriend residing in Las Vegas. The prescriptions were for Certificate Holder's personal use. Additionally, while speaking with the Pharmacist, Certificate Holder provided a false employer contact number for verification of the prescription.

During a personal interview with Board staff, Certificate Holder stated that DS was her patient and had been seen by her at Ideal Image for treatments and prescriptions. DS was not a patient at Ideal Image, and was never seen by or received treatment from Certificate Holder at this location. This is in violation of ORS 678.111 (1) (d), (f), and (g) and OAR 851-045-0070 (1) (n), (2) (h), (i) and (o), (3) (g), (4) (a) and (b), (7) (b), and (10) (b) and (c) and OAR 851-056-0016 (1) and (2) (c), (d), (f), and (h).

4. Between January 2012 and October 2012, Certificate Holder wrote multiple prescriptions for Phentermine and Alprazolam for JO and AH which were filled at Safeway Pharmacy. Additionally, Certificate Holder wrote prescriptions for Oxycodone, Diazepam and birth control pills for JO. Certificate Holder picked up the prescriptions from the pharmacy and either dispensed the medications to JO and AH, without having required dispensing privileges and/or obtained the medications for her own use in violation of prescribing privileges.

During a personal interview with Board staff, Certificate Holder stated she was treating JO and AH at her practice located at Glow Salon. Certificate Holder stated the medical records and contact information for JO and AH was located at Glow Salon, and she would provide copies of requested patient information to the Board. Licensee failed to provide requested patient information to the Board, and no records were located at Glow Salon for JO or AH. This is in violation of ORS 678.111 (1) (d), (f) and (g) and OAR 851-045-0070 (1) (a) and (n), (2) (h), (i) and (o), (3) (b), and (g), (4) (a) and (b), (7) (a), (b) and (c), (10) (b), (c) and (g) and OAR 851-056-0016 (1) and (2) (d), (f), (h) and (j).

5. Between March 2012, and June 2012, Certificate Holder treated LK, a co-worker and friend for migraines while working at Cedar Hills Hospital. During a personal interview with Board staff Certificate Holder stated she had fully assessed and documented the treatment provided to LK while working at Cedar Hills Hospital. However, Certificate Holder failed to maintain a patient chart to include assessment of LK, documentation of care provided, and patient encounters.

On or about May 2012, Certificate Holder treated LK for a leg injury while working at Glow Salon and wrote prescriptions for controlled substances for LK including but not limited to; Vicodin, Valium, Percocet and Xanax for pain management and anxiety, outside of her scope of practice as a WHCNP. Additionally, Certificate Holder accompanied LK when obtaining the prescriptions from the pharmacy and requested that LK provide her with portions of the medications.

Certificate Holder failed to produce copies of all patient records for LK at the request

of the Board. Of the records provided to the Board by Certificate Holder, some of the records were falsified and/or altered. This is in violation of: ORS 678.111 (1) (d), (f) and (g) and OAR 851-045-0070 (1) (a) and (n), (2) (h) and (i), (3) (a), (b), (c) and (g), (4) (a) and (b), (7) (a) and (b), (10) (g) and OAR 851-056-0016 (1) and (2) (c), (d), (f), (h) and (j).

6. While working at Glow Salon in 2012, Certificate Holder prescribed controlled substances including but not limited to Diazepam, Hydrocodone and Tylenol 3 for TJ, an adult male for treatment of pain, anxiety and a leg injury outside of her scope of practice as a WHCNP. Certificate Holder failed to maintain a chart or records documenting all of her care and patient encounters with TJ.

Certificate Holder failed to provide copies of all TJ's patient records to the Board upon request. Of the records that were provided to the Board by Certificate Holder, some of the records were falsified and/or altered. This is in violation of ORS 678.111 (1) (d), (f) and (g) and OAR 851-045-0070 (1) (a), (n), (2) (o), (3) (a), (b), (c), (g), (4) (a) and (b), (7) (a) and (b), (10) (g) and 851-056-0016 (1) and (2) (c), (f) and (h).

7. On or about July 9, 2012, while working at Glow Salon, Certificate Holder prescribed Phentermine for BP, a male adult patient outside of her scope as a WHCNP. Certificate Holder failed to maintain appropriate records of care provided to BP. On or about December 10, 2012, while working at Glow Salon, Certificate Holder treated and prescribed anti-anxiety medications for DL, an adult male patient outside of her scope of practice as a WHCNP. This is in violation of ORS 678.111 (1) (f) and (g) and OAR 851-045-0070 (1) (a), (2) (o), (4) (a) and (b), (7) (b), (10) (g) and 851-056-0016 (1) and (2) (c) and (h).
8. On or about March 29, 2012, Certificate Holder wrote prescriptions for Alprazolam and Phentermine for JG. Certificate Holder picked up the prescriptions from the pharmacy and either dispensed the medications to JG, without having required dispensing privileges and/or obtained the medications for her own use in violation of prescribing privileges.

Certificate Holder failed to maintain appropriate records documenting care provided to JG or patient encounters. Certificate Holder failed to provide copies of a JG's patient records to the Board upon request. This is in violation of 678.111 (1) (d), (f) and (g) and OAR 851-045-0070 (1) (a) and (n), (2) (h) and (o), (3) (a), (b), and (g), (4) (a) and (b), (7) (a), (b) and (c), (10) (g) and OAR 851-056-0016 (1) and (2) (h) and (j).

9. Between March 2012 and June 2012, Certificate Holder was employed by Cedar Hills Hospital, as an Internal Medicine Hospitalist. Certificate Holder provider care to male and female clients undergoing treatment for substance abuse and psychological disorders outside of her scope of practice as a WHCNP. This is in violation of ORS 678.111 (1) (f) and (g) and OAR 851-045-0070 (1) (a), (4) (a) and (b), and 851-056-0016 (1) and (2) (c).

10. Between October 2012 and March 2012, Certificate Holder was employed by Advance Healthcare as an Internal Medicine practitioner. Certificate Holder provided in home health assessments and medical consults for male and female clients 65 years of age and older, outside of her scope of practice as a WHCNP. This is in violation of ORS 678.111 (1) (f) and (g) and OAR 851-045-0070 (1) (a), (4) (a) and (b), and 851-056-0016 (1) and (2) (c).
11. On February 20, 2013, Certificate Holder made false representations to the Board stating she had contacted the Drug Enforcement Administration (DEA) and voluntarily surrendered her prescriptive privileges. However, the DEA requested Certificate Holder surrender her prescriptive privileges or show cause. This is in violation of ORS 678.111 (1) (f) and (g), and OAR 851-045-0070 (7) (b).
12. On or about February 6, 2013, during a personal interview with Board staff, Certificate Holder denied receiving a copy of the Prescribing Practice booklet provided to all practitioners with prescribing authority in Oregon at the time of licensure. However, Certificate Holder's licensing file contained Certificate Holder's signature certifying receipt of the booklet. This is in violation of ORS 678.111 (1) (d), (f) and (g), and OAR 851-045-0070 (7) (b).
13. On or about February 6, 2013, during a personal interview with Board staff Certificate Holder stated she had never been prohibited from obtaining prescriptions from any pharmacy. However, Certificate Holder had been prohibited from continuing to obtain prescriptions from Rite Aid Pharmacy, contrary to Certificate Holder's statement. This is in violation of ORS 678.111 (1) (d), (f) and (g), and OAR 851-045-0070 (7) (b).
14. On October 15, 2013, Board staff mailed a Notice of Proposed Revocation of Registered Nurse License and Nurse Practitioner Certificate to Certificate Holder via first-class and certified mail. The Notice granted Certificate Holder twenty (20) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default.

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CONCLUSIONS OF LAW

1. That the Board has jurisdiction over the Certificate Holder, Harmony Holt, and over the subject matter of this proceeding.
2. That Certificate Holder's conduct is in violation of ORS 678.111 (1) (d), (f) and (g) and OAR 851-045-0070 (1) (a) and (n), (2) (h), (i) and (o), (3) (a), (b), (c) and (g), (4) (a) and (b), (7)(a), (b) and (c), (10) (b), (c), (g) and OAR 851-056-0016 (1) and (2) (c), (d), (f), (h) and (j).
3. That Certificate Holder defaulted on the Notice by not requesting a hearing within the allotted twenty (20) days and, as a result, pursuant to ORS 183.417(3), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that the Nurse Practitioner Certificate And Registered Nurse License of Harmony Holt is REVOKED.

DATED this _____ day of November, 2013

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

Kay Carnegie, RN, MS
Board President

TO: HARMONY HOLT:

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within (sixty) 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within sixty (60) days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482.

If, after a minimum of three (3) years, you wish to reinstate your Nurse Practitioner Certificate And Registered Nurse License, you may submit an application to the Board to request reinstatement.