

BEFORE THE DELAWARE BOARD OF NURSING

IN RE: ASHLEY C. WYATT, RN) **Case No.: 11-01-10**
)
LICENSE NO.: L1-0037494)

CONSENT AGREEMENT

A written Complaint has been filed with the Delaware Board of Nursing (“Board”) alleging that Ashley C. Wyatt, (“Respondent”) a licensed registered nurse in the State of Delaware, has engaged in conduct which constitutes grounds for discipline under the *Nurse Practice Act (24 Del.C. C.19)*.

In order to avoid a formal disciplinary hearing before the Board, Respondent, the State, by the undersigned Deputy Attorney General, and the Board hereby enter into this Consent Agreement without the necessity of a formal disciplinary hearing and administrative prosecution before the Board pursuant to 24 *Del.C. Ch. 19* and 29 *Del.C. Ch. 101*.

IT IS UNDERSTOOD AND AGREED THAT:

1. Respondent is a licensed registered nurse in the State of Delaware, license number L1-0037494. Her license was issued on February 9, 2009 and was temporarily suspended by Order of the Board on August 3, 2010.

2. Pursuant to 29 *Del.C. § 8735(h)(6)* and Section 10.5 of the Rules and Regulations of the Board of Nursing, the Board appointed Tracy D. Litteton, LPN as the Assisting Board Member in this case and authorized her to enter into a Consent Agreement with Respondent and the State, subject to ratification by the Board.

3. At all times relevant to this complaint, Respondent worked as a registered nurse for Delaware Hospice.

4. Respondent admitted that while working as a nurse for Delaware Hospice, she diverted Oxycodone from three of her patients on at least ten occasions.

5. Respondent admitted she took the drugs for her own use.

6. Respondent admitted she is and has been addicted to narcotics.

7. Respondent through her above-noted conduct violated the provisions of 24 *Del.C.* § 1922(a)(3) in that she is unfit and incompetent to practice nursing by reason of her addiction to narcotics.

8. Respondent through her above-noted conduct violated the provisions of 24 *Del.C.* § 1922(a)(4) in that she habitually uses and is addicted to the use of habit-forming drugs.

9. Respondent through her above-noted conduct violated the provisions of 24 *Del.C.* § 1922(a)(8) and is guilty of unprofessional conduct in that she violated the following Rules of the Delaware Board of Nursing:

a. Rule 10.4.2.14 in that she diverted drugs from her patients;

b. Rule 10.4.2.15 in that she diverted, possessed, obtained and administered prescription drugs to herself without authorization;

c. Rule 10.4.2.12 in that she failed to take appropriate action to safeguard her patients from incompetent, unethical and illegal health care practice.

10. Respondent hereby admits that the allegations of the State's Complaint contained in paragraphs 1 through 9 above are true and correct.

11. Respondent, the State and the Board agree that as an appropriate disciplinary sanction for her conduct, the nursing license of Respondent shall be suspended for a period of three years. The three-year suspension shall begin on the date the Board of Nursing enters this Consent

Agreement as an Order of the Board.

12. Respondent is eligible to apply to the Board to have her license reinstated after two years of suspension at the discretion of the Board on a probationary status for a period of no less than two years to be decided by the Board subject to the terms and conditions contained herein. During the terms of probation, the following terms will apply but additional terms may be imposed by the Board at its sole discretion:

- a. The period of probation will run concurrent with periods of nursing employment only;
- b. Any nursing practice will be restricted to non-clinical practice for the first twelve months of the probation;
- c. Respondent's supervisor must submit quarterly evaluation reports to the Executive Director of the Board of Nursing ("Executive Director") no later than the tenth calendar day of the month following the end of the quarter;
- d. Respondent will have no access to or responsibility for medication administration of any kind during the period of probation.

13. Respondent shall, within ten days of the date of the ratification of this Consent Agreement by the Board, return all copies of her nursing license to the Executive Director to be marked "PROBATION" and not returned to her until after the period of suspension and only if her license is reinstated on a probationary status.

14. Respondent shall notify the Executive Director within ten days of any change in her residential address.

15. Respondent shall notify the Executive Director of all nursing employment and any

change thereto within ten days of such change.

16. Respondent shall provide the Executive Director with a written self-evaluation status report every six months during the period of probation. The contents of the report must meet with the approval of the Executive Director in his sole discretion.

17. Respondent shall inform her nursing supervisor and any future nursing employer that the Board has placed her license on suspension to be followed by probation and she shall provide all her employers with a copy of this written Consent Agreement and Order of the Board. If, at any time, Respondent is employed through a staffing agency, she shall inform her supervisor in any facility where she is assigned that her nursing license is on suspension to be followed by probation and also provide such supervisor with a copy of this written Consent Agreement and Order of the Board.

18. Respondent shall arrange with all of her nursing employers for the submission of written quarterly performance evaluations from her nursing supervisor to the Executive Director during the period of probation. The first report shall be issued thirty days after the beginning of the period of probation. If, for any reason, a nursing employer is unable to unwilling to provide such performance evaluations, that fact shall be reported by the Respondent in writing to the Executive Director. The contents of the report must meet with the approval of the Executive Director in his sole discretion.

19. Respondent shall, within forty-five days of the date of this Order and at no expense to the Board, have an evaluation by a chemical dependency specialist of her choice who has been approved by the Executive Director in his sole discretion prior to the evaluation. A written report of the evaluation, including a diagnosis, recommended course of treatment, prognosis, and any

other recommendations of the evaluator shall be promptly provided to the Executive Director. Respondent shall execute all consents necessary to have such reports provided as required and shall comply with any and all recommendations of the chemical dependency specialist.

20. If her chemical dependency specialist recommends a course of treatment following the evaluation, Respondent shall direct either her chemical dependency specialist or her treatment health care professional to contact the Executive Director to establish a schedule for the submission of periodic unannounced drug screens and written progress reports to the Executive Director. Respondent shall direct her chemical dependency specialist or her health care professional to notify the Executive Director promptly if Respondent withdraws from a treatment program before being discharged, or if she fails, or refuses an unannounced test.

21. If her chemical dependency specialist recommends a course of treatment following the evaluation, Respondent at her own expense shall have periodic unannounced drug screens during the period of suspension and probation. There shall be an unannounced drug test every four months, during each of the period of suspension and probation. Respondent is responsible for insuring that the results of all drug screens are promptly reported to the Executive Director.

22. If her chemical dependency specialist recommends a course of treatment following the evaluation, during the term of suspension and probation, Respondent shall not use alcohol, mood altering chemicals, or pain medications except as prescribed by a physician or practitioner with whom she has established a genuine treatment relationship, and only for accepted medicinal or therapeutic purposes.

23. If her chemical dependency specialist recommends a course of treatment following the evaluation, during the term of suspension and probation, Respondent shall report all pain

medications and controlled substances prescribed by her physicians to the Executive Director including but not limited to a copies of all such prescriptions.

24. Respondent agrees that during the period of probation she will take extra Continuing Education courses of at least nine hours in the following areas: three hours of dispensing medication, three hours of medical records, and three hours of substance abuse. Respondent shall submit the additional courses she intends to take to the Executive Director for prior approval at the sole discretion of the Executive Director. The nine hours are in addition to the continuing education hours required by Rule 9.

25. Respondent agrees to fully cooperate with the Executive Director to obtain any and all information and records from her chemical dependency specialists and health care professionals deemed necessary by the Executive Director at his sole discretion.

26. Respondent acknowledges that she is waiving her right under 24 *Del.C.* Ch. 19 and 29 *Del.C.* Ch. 101 to a disciplinary hearing before the Board prior to the imposition of disciplinary sanctions.

27. Respondent hereby acknowledges and agrees that she has carefully read and understands this Consent Agreement and that she is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.

28. Respondent understands and agrees that if the Board accepts this Consent Agreement it will become a public document and that the Board will report this Consent Agreement and the Board's Order to the licensing authority of all other States in which she is licensed to practice nursing and to national databases which collect information on nursing disciplinary actions.

29. Respondent further understands and agrees that, pursuant to the provisions of the *Nurse Practice Act*, specifically 24 *Del.C.* § 1902A, she may not practice nursing in any other State which is a party to the Interstate Nursing Licensure Compact while she is under suspension or probation in the State of Delaware without prior written authorization from the other party State under penalty of licensure revocation.

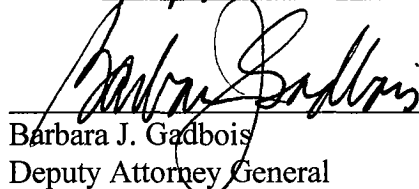
30. Respondent further agrees and acknowledges that in the event the Board determines not to accept this Consent Agreement, neither she nor anyone on her behalf will in any way or in any forum challenge the ability of the Board or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint on the basis of the Board's prior consideration of this proposed Consent Agreement.

31. This Consent Agreement shall be effective after execution by Respondent, the designated Board member, and the Deputy Attorney General for the State and upon approval by the Board.



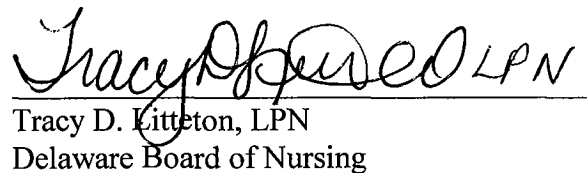
Ashley C. Wyatt, RN
Respondent

Dated: 9-2-10



Barbara J. Gadbois
Deputy Attorney General

Dated: 9-7-10



Tracy D. Kitterton, LPN
Delaware Board of Nursing

Dated: 9-7-10

BEFORE THE DELAWARE BOARD OF NURSING

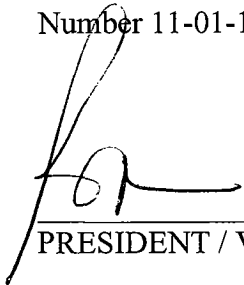
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ORDER

WHEREAS the parties have presented the attached Consent Agreement, and the Board of Nursing has reviewed it and has concluded that it provides an appropriate resolution of the captioned matter;

IT IS THEREFORE ORDERED this 8th day of September, 2010, that the Consent Agreement is ACCEPTED and entered as the ORDER of the Board concerning Complaint Number 11-01-10.



PRESIDENT / VICE PRESIDENT