

BEFORE THE DELAWARE BOARD OF NURSING

IN THE MATTER OF:)	ORDER REGARDING
)	PETITION FOR
ASHLEY C. WYATT, RN)	REINSTATEMENT
License No. L1-0037494)	

BACKGROUND

Pursuant to an Order entered by the Delaware Board of Nursing (“the Board”) dated September 8, 2010, the registered nursing license issued to Ashley C. Wyatt was suspended for unprofessional conduct including, but not limited to, violations of 24 *Del. C.* § 1922(a)(3) and 24 *Del. C.* § 1922(a)(8) and Board of Nursing Rules and Regulations 10.4.2.14, 10.4.2.15 and 10.4.2.12 related to her diversion of Oxycodone from three of her patients on at least ten occasions as well as her admitted addiction to narcotics. The Order provided that Ms. Wyatt’s license would be suspended for a minimum period of three years, but permitted Ms. Wyatt to petition the Board for reinstatement of her license on a probationary basis after two years if she could demonstrate substantial compliance with the prior order.

Pursuant to 24 *Del. C.* § 1922(e) the Board is required to hold a hearing on a petition for reinstatement of a suspended license.

NATURE OF THE PROCEEDINGS

Ms. Wyatt is before the Board on her petition to have her license reinstated. Pursuant to Ms. Wyatt’s request a hearing was held on June 13, 2012 before a quorum of the Board at the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Ms. Wyatt, after being advised of her right to counsel, elected to proceed *pro se*. Patricia Davis Oliva, Deputy Attorney General advised the Board.

This is the Board's Decision and Order which, for the reasons stated below, grants Ms. Wyatt's petition for reinstatement of her license to practice as a registered nurse in the State of Delaware on a probationary status.

SUMMARY OF THE EVIDENCE

The following is a brief summary of the evidence presented under 29 *Del. C.* §10128(b)(1).

Board Exhibit 1 consisted of a copy of the September 8, 2010 Order of the Board.

Board Exhibit 2 consisted of a copy of a summary report from the Thresholds, Inc. program indicating Ms. Wyatt has successfully completed her out-patient treatment program at that location and certificates of completion from various continuing education courses as required by the Board's September 8, 2010 Order.

Licensee 1 consisted of a copy of a report from Redwood Toxicology Laboratory regarding a urine toxicology screen collected on April 26, 2012 and reporting negative findings for all substances tested for.

In addition to the documentary evidence, the Board heard live testimony from Ms. Wyatt. Ms. Wyatt was sworn and testified that she thanks the Board profusely for allowing her this opportunity to be heard. Ms. Wyatt went on to testify that she has complied with all the terms and conditions of the Board's September 8, 2010 Order and has successfully completed the Superior Court drug's diversion program, including out patient treatment with Thresholds, Inc. in Georgetown, Delaware.

Upon questioning from the Board, Ms. Wyatt testified that she has completed all of the conditions of her suspension and that during the term of her suspension she has been working at odd jobs trying to do anything to support her family.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board considered the exhibits and sworn testimony in reaching its decision. Ms. Wyatt offered persuasive testimony and documentation in support of her petition for reinstatement demonstrating that she has taken the incident which lead to her suspension seriously. She completed the required continuing education and has served out her period of suspension. This is the only reported discipline in Ms. Wyatt's career in nursing.

The Board is vested with the responsibility of ensuring that the practice of nursing is performed by competent persons for the protection of the public health, safety and welfare. The Order recognized the Board's responsibility to the public by including a provision relative to reinstatement that included a period of probation in order to monitor Ms. Wyatt's return to the workforce.

The Board is persuaded that Ms. Wyatt has sustained her burden of demonstrating that she should be permitted to have her license reinstated and placed on probation for a period of two years.

ORDER

The Delaware Board of Nursing, having considered the application of Ashley Wyatt, R.N., voted unanimously to lift the suspension placed against Ms. Wyatt's license to practice as a registered nurse and to issue her a probationary license with the following terms and conditions:

1. Ms. Wyatt is placed on probation for a period of two years from effective date of this Order. The period of probation shall run concurrently with periods of employment; any periods in which Ms. Wyatt is not employed as a nurse may not be counted toward the probationary period. The license shall be marked with the word "Probation."
2. Any nursing practice will be restricted to non-clinical practice for the first twelve months of probation.
3. Ms. Wyatt must notify the Board's Executive Director when she obtains employment and immediately report any changes in her employment and/or address to the Board's Executive Director. She must notify her employers that she is on probation.
4. During the term of the probation, Ms. Wyatt's supervisor should provide quarterly reports to the Board no later than the tenth calendar day of the month following the end of each quarter.
5. During the period of probation, Ms. Wyatt will have no access to or responsibility for medication administration of any kind.
6. During the period of probation, Ms. Wyatt will provide the Board with a written self-evaluation status report every six months. The contents of the report must meet with the approval of the Executive Director of the Board in the Executive Director's sole discretion.
7. At the expiration of the period of probation, Ms. Wyatt's probation will automatically terminate.

8. Any violation of the terms of the probation shall be immediately reported to the Board by the Executive Director and may be viewed as grounds for further disciplinary action up to, and including, immediate license suspension or revocation.

IT IS SO ORDERED this 17th day of July, 2012.

DELAWARE BOARD OF NURSING

/s/ Evelyn Nicholson
Evelyn Nicholson
President
Pursuant to 24 *Del. C.* § 10128(g)

Date Mailed: 07/19/2012