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SECRETARY OF STATE

BEFORE THE TENNESSEE BOARD OF NURSING

In The Matter of:	)	
	)	
SANDRA D. JACKSON-IVESON,	)	
R.N. License Number 105509,	)	
A.P.N. Certificate Number 7191,	)	Docket Number: 17.19-131827A
	)	
Respondent.	)	

AGREED ORDER

The State of Tennessee, by and through the Office of General Counsel and the Respondent, SANDRA D. JACKSON-IVESON, R.N., A.P.N., (Respondent), by and through her counsel, Peter J. Strianse, hereby stipulate and agree, subject to approval by the Tennessee Board of Nursing (Board), to the following:

I. Authority and Jurisdiction

The Board regulates and supervises nurses licensed to practice pursuant to the Tennessee Nursing Practice Act (Practice Act), Tennessee Code Annotated Section (TENN. CODE ANN. §) 63-7-101, *et seq.*, including the discipline of licensees, as well as those who are required to be licensed, who violate the Practice Act and the Rules promulgated by the Board, Official Compilation of Rules and Regulations of the State of Tennessee (TENN. COMP. R. & REGS.), 1000-1-.01, *et seq.* The Board enforces the Practice Act to promote and protect the health, safety, and welfare of the public; accordingly, it is the policy of the Board to require strict compliance with the law and to apply the law to preserve the quality of nursing care provided in Tennessee.

II. Stipulations of Fact

1. Respondent has been at all times pertinent hereto licensed by the Board as a registered nurse in the State of Tennessee, having been granted license number 105509 on June 22, 1995, which will expire if not renewed on September 30, 2016. Respondent's registered nurse

license bears a multistate privilege to practice nursing in states which have entered into the Interstate Nurse Licensure Compact.

2. Respondent has been at all times pertinent hereto licensed by the Board as an Advanced Practice Nurse in the State of Tennessee, having been granted certificate number 7191 by the Board on August 13, 2004, which will expire if not renewed on September 30, 2016, and a certificate of fitness.

3. During October, November, December 2011 Respondent prescribed and issued medications without having a notice and formulary form on file with the Board designating her supervising physician.

4. On February 8, 2012 Respondent dispensed phentermine, a controlled substance, without first conducting a physical examination of the recipient of the medication.

5. On July 25, 2013 Respondent entered a conditional plea of guilty to the offense of POSSESSION OF A SCHEDULE IV, in violation of Tenn. Code Ann. §39-17-418, a class A Misdemeanor, in connection with the events on February 8, 2012, and received judicial diversion. Upon successful completion of diversion the charge was dismissed and the records expunged.

6. Respondent has surrendered her DEA registration, and is currently employed doing Health Risk Assessments for insurance companies. Respondent's employment does not involve prescribing or issuing medication. In the future, Respondent intends to enter into a memorandum of fact with the DEA which contemplates that she will obtain a DEA registration with the restriction that she only prescribe medications on Schedule IV.

III. Stipulated Grounds for Discipline

7. The Stipulations of Fact are sufficient to establish that Respondent has violated the following statutes or rules which are part of the Act, TENN. CODE ANN. § 63-7-101, *et seq.*

and TENN. COMP. R. & REGS., 1000-1-.01, *et seq.*, for which disciplinary action by the Board is authorized.

8. Respondent's acts and conduct enumerated in paragraphs four (4) and five (5) constitute a violation of TENN. CODE ANN. § 63-7-115(a)(1):

   (B) Is guilty of a crime;

9. Respondent's acts and conduct enumerated in paragraphs three (3), four (4), and five (5) constitute a violation of TENN. CODE ANN. § 63-7-115(a)(1):

   (F) Is guilty of unprofessional conduct;

10. Respondent's acts and conduct enumerated in paragraph three (3) constitute a violation of TENN. CODE ANN. § 63-7-115(a)(1):

   (G) Has violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate any provision of this chapter or any lawful order of the board issued pursuant thereto.

11. TENN. COMP. R. & REGS. 1000-01-.13(1) defines "unprofessional conduct, unfitness or incompetency by reason of negligence, habits or other cause" as including, but not limited to:

   (t) Over-prescribing, or prescribing in a manner inconsistent with Rules 1000-04-.08 and 1000-04-.09;

12. Pursuant to TENN. CODE ANN. § 63-7-123:

   (b)(1) A nurse who has been issued a certificate of fitness as a nurse practitioner pursuant to § 63-7-207 and this section shall file a notice with the board, containing the name of the nurse practitioner, the name of the licensed physician having supervision, control and responsibility for prescriptive services rendered by the nurse practitioner and a copy of the formulary describing the categories of legend drugs to be prescribed and/or issued by the nurse practitioner. The nurse practitioner shall be responsible for updating this information.

   (2) The nurse practitioner who holds a certificate of fitness shall be authorized to prescribe and/or issue controlled substances listed in

Schedules II, III, IV and V of title 39, chapter 17, part 4 upon joint adoption of physician supervisory rules concerning controlled substances pursuant to subsection (d).

(3)(A) Any prescription written and signed or drug issued by a nurse practitioner under the supervision and control of a supervising physician shall be deemed to be that of the nurse practitioner. Every prescription issued by a nurse practitioner pursuant to this section shall be entered in the medical records of the patient and shall be written on a preprinted prescription pad bearing the name, address and telephone number of the supervising physician and of the nurse practitioner, and the nurse practitioner shall sign each prescription so written. Where the preprinted prescription pad contains the names of more than one (1) physician, the nurse practitioner shall indicate on the prescription which of those physicians is the nurse practitioner's primary supervising physician by placing a checkmark beside or a circle around the name of that physician.

(B) Any handwritten prescription order for a drug prepared by a nurse practitioner who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription. The handwritten prescription order must contain the name of the prescribing nurse practitioner, the name and strength of the drug prescribed, the quantity of the drug prescribed, handwritten in letters or in numerals, instructions for the proper use of the drug and the month and day that the prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing nurse practitioner must sign the handwritten prescription order on the day it is issued, unless the prescription order is:

(i) Issued as a standing order in a hospital, a nursing home or an assisted care living facility as defined in § 68-11-201; or

(ii) Prescribed by a nurse practitioner in the department of health or local health departments or dispensed by the department of health or a local health department as stipulated in § 63-10-205.

(C) Any typed or computer-generated prescription order for a drug issued by a nurse practitioner who is authorized by law to prescribe a drug must be legible so that it is comprehensible by the pharmacist who fills the prescription order. The typed or computer-generated prescription order must contain the name of the prescribing nurse practitioner, the name and strength of the drug

prescribed, the quantity of the drug prescribed, recorded in letters or in numerals, instructions for the proper use of the drug and the month and day that the typed or computer-generated prescription order was issued, recorded in letters or in numerals or a combination thereof. The prescribing nurse practitioner must sign the typed or computer-generated prescription order on the day it is issued, unless the prescription order is:

(i) Issued as a standing order in a hospital, nursing home or an assisted care living facility as defined in § 68-11-201; or

(ii) Prescribed by a nurse practitioner in the department of health or local health departments or dispensed by the department of health or a local health department as stipulated in § 63-10-205.

13. Pursuant to TENN. COMP. R. & REGS. 1000-04-.09(1):

(1) Except as provided in paragraph (2), it shall be a prima facie violation of T.C.A. § 63-7-115 (a) (1) (C) and (F) for an Advanced Practice Nurse, having proper authority to prescribe, to prescribe or dispense any drug to any individual, whether in person or by electronic means or over the Internet or over telephone lines, unless the Advanced Practice Nurse with proper authority to prescribe or the A.P.N's licensed supervisee and pursuant to appropriate protocols or orders, has completed and appropriately documented, for the person to whom a prescription is to be issued or drugs dispensed, all of the following:

(a) Performed an appropriate history and physical examination; and

(b) Made a diagnosis based upon the examinations and all diagnostic and laboratory tests consistent with good health care; and

(c) Formulated a therapeutic plan, and discussed it, along with the basis for it and the risks and benefits of various treatments options, a part of which might be the prescription or dispensed drug, with the patient; and;

(d) Insured availability of the Advanced Practice Nurse with proper authority to prescribe, or coverage for the patient for appropriate follow-up care.

(2) An Advanced Practice Nurse having proper authority to prescribe, or the A.P.N's licensed supervisee and pursuant to appropriate protocols or orders, may prescribe or dispense drugs for a person not in compliance with paragraph (1) consistent with sound judgment, examples of which are as follows:

(a) In admission orders for a newly hospitalized patient; or

(b) For a patient of a physician or of an Advanced Practice Nurse with proper authority to prescribe for whom the prescriber is taking calls or for whom the prescriber has verified the appropriateness of the medication; or

(c) For continuation medications on a short-term basis for a new patient prior to the patient's first appointment; or

(d) For established patients who, based on sound practices, the Advanced Practice Nurse having proper authority to prescribe, believes do not require a new physical examination before issuing new prescriptions.

(3) Except as provided in paragraph (2), it shall be a prima facie violation of T.C.A. § 63-7-115(a) (1) (C) and (F) for an Advanced Practice Nurse having proper authority to prescribe, or the A.P.N's licensed supervisee and pursuant to appropriate protocols or orders, to prescribe or dispense any drug to any individual for whom the Advanced Practice Nurse with proper authority to prescribe, or the A.P.N's licensed supervisee and pursuant to appropriate protocols or orders, has not complied with the provisions of this rule based solely on answers to a set of questions regardless of whether the prescription is issued directly to the person or electronically over the Internet or telephone lines.

(4) Advanced Practice Nurses having proper authority to prescribe, who elect to dispense medication for remuneration must comply with all Federal Regulations (21 CFR 1304 through 1308) for the dispensing of controlled substances.

(5) Non-controlled drugs are to be dispensed in an appropriate container labeled with at least, the following:

(a) Patient's name.

(b) Date.

(c) Complete directions for usage.

(d) The name and address of the Advanced Practice Nurse having proper authority to prescribe.

(e) A unique number, or the name and strength of the medication.

(6) Whenever dispensing takes place, appropriate records shall be maintained. A separate log must be maintained for controlled substances dispensing.

IV. Stipulated Disposition

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

14. Respondent's advanced practice nurse certificate and license to practice as a registered nurse in Tennessee, pursuant to the authority vested in the Board under TENN. CODE ANN. §§ 63-7-115 and 116, shall be and is hereby **SUSPENDED** and Respondent's multistate privilege to practice in any other party state is **VOID.**

15. During the period of suspension, the Respondent shall complete the course entitled *"The PBI Prescribing Course: Opioids, Pain Management, and Addiction"* offered by the University of California, Irvine and Professional Boundaries, Inc. Any continuing education hours earned by the Respondent for completing the course shall be in addition to the hours the Respondent is normally required to obtain to maintain certification and licensure. Proof of course completion must be submitted to the Disciplinary Coordinator at the address provided below.

16. When Respondent provides proof of completion of the *"The PBI Prescribing Course: Opioids, Pain Management, and Addiction"* to the Disciplinary Coordinator the suspension shall be lifted and Respondent's certificate and license shall be placed on **PROBATION** on the following terms and conditions for a period of at least **TWO (2) YEARS** from the date of the Disciplinary Coordinator's receipt of the course completion:

A. The Respondent shall not violate Tenn. Code Ann. §63-7-101, *et seq.*, the rules promulgated pursuant thereto, any other state or federal law, rule, or regulation relating to the practice or the ability to practice nursing.

B. The Respondent shall not violate any state or federal criminal law.

C. The Respondent shall pay all assessed civil penalties and costs.

D. The Respondent must report any arrests or criminal citations in writing to the Disciplinary Coordinator by certified mail within ten (10) working days.

17. Respondent is assessed three (3) Type A Civil Penalties in the amount of one thousand dollars ($1,000.00) each for a total of three thousand dollars ($3,000.00), in accordance with TENN. COMP. R. & REGS. 1000-01-.04(6), which shall be paid in full prior to the completion of probation.

18. Respondent shall pay the costs of this action pursuant to TENN. CODE ANN. §§ 63-7-115(d) and 63-1-144 and TENN. COMP. R. & REGS. 1000-01-.04(11). These costs will be established by an Affidavit of Costs prepared by Counsel for the Department, shall not exceed One Thousand Dollars ($1,000.00), and shall be paid in full prior to the completion of probation.

19. Probation on the Registered Nurse license and Advanced Practice Nurse certificate shall not be lifted until all costs and civil penalties are paid in full.

20. Upon completion of the probation period, provided that all costs and civil penalties have been paid, Respondent's certificate and license shall be returned to unencumbered status.

21. Respondent's multistate privilege to practice in any other party state shall remain **VOIDED** until such time as Respondent's license is no longer on suspension or probation.

V. Representations of Respondent

22. Respondent understands and admits the allegations, charges, and stipulations in this Order.

23. Respondent understands the rights found in the Code, Rules, and the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 thru 4-5-404, including the right to a hearing, the right to appear personally and by legal counsel, the right to confront and to cross-examine witnesses who would testify against Respondent, the right to testify and to present evidence on Respondent's own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, as well as the right to appeal for judicial review. Respondent voluntarily waives these rights in order to avoid further administrative action.

24. Respondent agrees that presentation of this Order to the Board and the Board's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members become prejudiced requiring their disqualification from hearing this matter should this Order not be ratified. All matters, admissions, and statements disclosed during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

25. Respondent also agrees that the Board may issue this Order without further process. If the Board rejects this Order for any reason, it will be of no force or effect for either party.

26. Respondent agrees that she has not received any threats or promises of any kind by the State or any agent or representative thereof, except such as is detailed herein.

VI. Notice

27. The suspension, probation, and civil penalties are formal disciplinary actions and will be reported to the National Practitioner Data Bank (NPDB). Following successful completion of all terms of the order NPDB will be notified of such completion, and that the license and

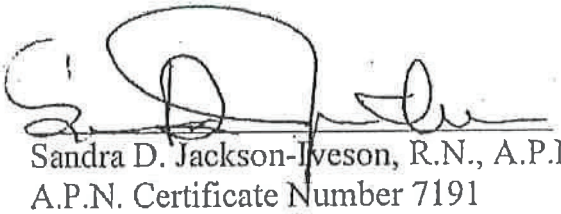
certificate have been restored to unencumbered status.

28. Civil penalties and costs shall be paid by submitting a **certified check, cashier's check, or money order** payable to the State of Tennessee. Civil penalties and Costs payments must include the Respondent's name and the case number, 201200067, on the instrument of payment and shall be mailed or delivered to:

Office of Investigations
Attn: Disciplinary Coordinator
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243

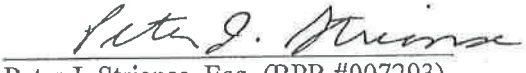
29. A **violation** of this Order shall constitute a **separate violation**, pursuant to Tenn. Code Ann. § 63-7-115(a)(1)(G), and is grounds for further disciplinary action by the Board, including revocation of Respondent's license and certificate.

APPROVED FOR ENTRY:



Sandra D. Jackson-Iveson, R.N., A.P.N.
A.P.N. Certificate Number 7191
R.N. License Number 105509
Respondent

8-5-15
DATE



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Attorney for Respondent

8/5/15
DATE

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Deputy General Counsel
Office of General Counsel
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
(615) 741-1611
Attorney for State

DATE 8/5/15

Approval by the Board

Upon the agreement of the parties and the record as a whole, this **AGREED ORDER** was approved as a **FINAL ORDER** by a majority of a quorum of the Tennessee Board of Nursing at a public meeting of the Board and signed this 5th day of August, 2015.

ACCORDINGLY, IT IS ORDERED that the agreements of the parties will, and hereby do, become the Final Order of the Board.

Martha Buchner, PhD, RN
Chairperson/Acting Chairperson
Tennessee Board of Nursing

CERTIFICATE OF FILING

This Order was received for filing in the Office of the Secretary of State, Administrative Procedures Division, and became effective on the 6th day of August, 2015.

J. Richard Collier
Richard Collier, Director UMC
Administrative Procedures Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Sandra D. Jackson-Iveson, R.N., A.P.N., through her attorney, Peter Strianse, 315 Deaderick St., Suite 1700, Nashville, TN 37238, by delivering same in the United States regular mail and United States certified mail, number 7014 3490 0000 6657 8811, return receipt requested, with sufficient postage thereon to reach its destination.

This 6th day of August, 2015.

Mark S. Waters
Deputy General Counsel