



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*Patricia A. Roman*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse           §       AGREED  
License Number 463833                       §  
issued to LINDA LEE GUERRA               §       ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 463833, issued to LINDA LEE GUERRA, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice professional nursing in the State of Texas is currently in delinquent status.
4. Respondent received a Diploma in Nursing from Community Hospital Springfield & Clark County, Springfield, Ohio on June 1, 1973. Respondent was licensed to practice professional nursing in the State of Texas on May 14, 1982.
5. Respondent's complete nursing employment history is unknown.

6. On or about December 9, 2009, while holding a license as a Registered Nurse (Delinquent) in the State of Texas, Respondent was issued a Notice of Immediate Suspension and Opportunity For Hearing by the Ohio Board of Nursing regarding Respondent's license to practice professional nursing in the State of Ohio. On May 21, 2010, Respondent entered into a Consent Agreement with the Ohio Board of Nursing wherein Respondent's license to practice professional nursing in the State of Ohio was Suspended Indefinitely for admissions to being addicted to alcohol and opiates and entering a plea of guilty to one (1) count of Theft of a Dangerous Drug, a Felony of the Fourth Degree in Clark County Court of Common Pleas Case Number 09-CR-280, Clark County, Ohio. A copy of the Consent Agreement with the Ohio Board of Nursing dated May 21, 2010 is attached and incorporated as a part of this Order.
7. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
8. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
9. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(8), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 463833, heretofore issued to LINDA LEE GUERRA, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered License Number 463833, heretofore issued to LINDA LEE GUERRA, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 6<sup>th</sup> day of December, 20 11.

Linda Lee Guerra  
LINDA LEE GUERRA, Respondent

Sworn to and subscribed before me this 6<sup>th</sup> day of December, 20 11.

SEAL


Mary Lynn Sawyer  
Notary Public in and for the State of Ohio

Mary Lynn Sawyer  
Notary Public, State of Ohio  
My Commission Expires July 6, 2013

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 463833, previously issued to LINDA LEE GUERRA.

Effective this 13<sup>th</sup> day of December, 2011.



  
Katherine A. Thomas, MN, RN, FAAN  
Executive Director on behalf  
of said Board



# Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

## CONSENT AGREEMENT BETWEEN LINDA GUERRA, R.N. AND OHIO BOARD OF NURSING

This Consent Agreement is entered into by and between LINDA GUERRA, R.N. (MS. GUERRA) and the Ohio Board of Nursing (Board), the state agency charged with enforcing Chapter 4723. of the Ohio Revised Code (ORC), and all administrative rules promulgated thereunder.

MS. GUERRA voluntarily enters into this Consent Agreement being fully informed of her rights under Chapter 119, ORC, including the right to representation by legal counsel and the right to a formal adjudicative hearing on the issues considered herein.

This Consent Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

### BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4723.28, ORC, to deny, permanently revoke, revoke, suspend, or place restrictions on any license issued by the Board; reprimand or otherwise discipline a licensee; or impose a fine of five hundred dollars (\$500.00). Section 4723.28(B)(4), ORC, authorizes the Board to discipline a licensee who has been convicted of, pled guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for Intervention in Lieu of Conviction for any felony. Section 4723.28(B)(5), ORC, authorizes the Board to discipline a licensee who has been convicted of, pled guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for Intervention in Lieu of Conviction for violating any municipal, state, county or federal drug law. Section 4723.28(B)(8), ORC, authorizes the Board to discipline a licensee for self-administering or otherwise taking into the body any dangerous drug, as defined in Section 4729.01, ORC, in any way not in accordance with a legal, valid prescription issued for that individual. Section 4723.28(B)(13), ORC, authorizes the Board to discipline a licensee for obtaining or

CERTIFIED TO BE A TRUE COPY

*Janet Dawson* 6/8/10  
OHIO BOARD OF NURSING

attempting to obtain money or anything of value by intentional misrepresentation or material deception in the course of practice.

- B. **MS. GUERRA** has been licensed to practice nursing as a registered nurse in the State of Ohio, RN-128677, since 1973. **MS. GUERRA** requested that her license be placed on inactive status in March 2009.
- C. **MS. GUERRA** also reports holding a license as a registered nurse in the State of Texas that is currently lapsed.
- D. **MS. GUERRA** knowingly and voluntarily admits to the factual and legal allegations set forth in the Notice of Immediate Suspension and Opportunity for Hearing dated December 9, 2009 (December 2009 Notice) and the Notice of Opportunity for Hearing dated January 20, 2010 (January 2010 Notice). Copies of the December 2009 Notice and the January 2010 Notice are attached hereto and incorporated herein.
- E. **MS. GUERRA** reports that she suffered from alcohol dependence until 2004. **MS. GUERRA** states that her primary care physician prescribed Vicodin for an injury she received in 2006. **MS. GUERRA** states that her physician continued prescribing the Vicodin, and in 2009, she became concerned that she was becoming dependent upon it. **MS. GUERRA** states that about a month prior to the incident described in the January 2010 Notice, she discussed her concerns with her physician and her physician prescribed her Darvocet instead. **MS. GUERRA** states she began experiencing physical withdrawal symptoms and describes her actions at the time as "crazy."
- F. **MS. GUERRA** admits ingesting three Vicodin pills taken from her employer as described in the January 2010 Notice.
- G. **MS. GUERRA** states that the day she was confronted about taking the pills, she went to the emergency room for a detoxification referral then entered a five-day detoxification program at Creekside, Dayton, Ohio. After she left Creekside, **MS. GUERRA** reports that she participated in Intensive Outpatient Program at McKinley Hall, Dayton, Ohio, and began random drug screening. **MS. GUERRA** states she completed IOP in October 2009 and continues to attend Aftercare at McKinley Hall and meetings.
- H. **MS. GUERRA** states that her sobriety date is March 2009.
- I. **MS. GUERRA** states that she has been compliant with the terms of her Court-ordered Intervention in Lieu of Conviction.

- J. **MS. GUERRA** states that she receives individual counseling for Anxiety as a part of her recovery.

### AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, **MS. GUERRA** knowingly and voluntarily agrees with the Board to the following terms, conditions, and limitations:

#### **SUSPENSION OF LICENSE**

1. **MS. GUERRA's** license to practice nursing as a registered nurse is hereby suspended for an indefinite period of time, but until at least **November 1, 2010**. **MS. GUERRA** may submit a written request for reinstatement after **November 1, 2010**, if the conditions for reinstatement have been satisfied.

#### **CONDITIONS FOR REINSTATEMENT**

2. **MS. GUERRA** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio. **MS. GUERRA** shall comply with all terms and conditions imposed by the Clark County Court of Common Pleas Case Number 09-CR-280.
3. **MS. GUERRA** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
4. **Within six (6) months prior to requesting reinstatement, MS. GUERRA** agrees that she will submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. GUERRA**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. GUERRA's** criminal records check reports to the Board. **MS. GUERRA** agrees that a request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
5. **Prior to reinstatement, MS. GUERRA** shall enter into a Consent Agreement with the Board for probationary terms, conditions, and limitations determined by the Board for a minimum period of three (3) years following reinstatement.

#### **Psychiatric Evaluation**

6. **Upon the request of the Board or its designee and within sixty (60) days of that request, MS. GUERRA** shall, at her own expense, obtain a comprehensive evaluation by a psychiatrist who is approved in advance by the Board. **MS. GUERRA** shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. GUERRA** shall provide the evaluating psychiatrist with a copy of



this Consent Agreement, the December 2009 Notice, the January 2010 Notice, and copies of MS. GUERRA's records from McKinley Hall. Further, MS. GUERRA shall execute releases to permit the evaluating psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions to be placed on MS. GUERRA's license to practice, and stating whether MS. GUERRA is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

7. If an evaluation is requested, MS. GUERRA shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the psychiatrist described above until released. Further, MS. GUERRA agrees that the Board may utilize the psychiatrist's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on MS. GUERRA's license and that the terms, conditions, and limitations shall be incorporated in an addendum to this Consent Agreement.

#### **Monitoring of Rehabilitation and Treatment**

8. MS. GUERRA shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of MS. GUERRA's history of chemical dependency and recovery status. MS. GUERRA shall self-administer the prescribed drugs only in the manner prescribed.
9. MS. GUERRA shall abstain completely from the use of alcohol.
10. **Within three (3) months immediately prior to requesting reinstatement, MS. GUERRA shall, at her own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, MS. GUERRA shall provide the chemical dependency professional with a copy of this Consent Agreement, the December 2009 Notice, the January 2010 Notice, and copies of MS. GUERRA's records from McKinley Hall. Further, MS. GUERRA shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions to be placed on MS. GUERRA's license to practice, and stating whether MS. GUERRA is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.**
11. MS. GUERRA shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, MS. GUERRA agrees that the Board may utilize the professional's recommendations and conclusions

from the evaluation as a basis for additional terms, conditions, and limitations on MS. GUERRA's license and that the terms, conditions, and limitations shall be incorporated in an addendum to this Consent Agreement.

12. For a minimum, continuous period of five (5) months immediately prior to requesting reinstatement, MS. GUERRA shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and MS. GUERRA shall provide satisfactory documentation of such attendance to the Board prior to requesting reinstatement.
13. For a minimum, continuous period of five (5) months immediately prior to requesting reinstatement, MS. GUERRA shall submit, at her expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after MS. GUERRA's initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by MS. GUERRA shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of MS. GUERRA's history of chemical dependency and recovery status.
  - a. Within thirty (30) days prior to MS. GUERRA initiating drug screening, MS. GUERRA shall provide a copy of this Consent Agreement, the December 2009 Notice, and the January 2010 Notice, to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to MS. GUERRA.
  - b. After initiating drug screening, MS. GUERRA shall be under a continuing duty to provide a copy of this Consent Agreement, the December 2009 Notice, and the January 2010 Notice prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, MS. GUERRA shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.

#### Reporting Requirements of Licensee

14. MS. GUERRA shall report to the Board, in writing, any violation of this Consent Agreement within thirty (30) days of the occurrence of the violation.

15. **MS. GUERRA** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
16. **MS. GUERRA** shall submit any and all information that the Board may request regarding her ability to practice according to acceptable and prevailing standards of safe nursing practice.
17. **MS. GUERRA** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
18. **MS. GUERRA** shall submit the reports and documentation required by this Consent Agreement on forms specified by the Board. All reporting and communications required by this Consent Agreement shall be made to the Compliance Unit of the Board.
19. **MS. GUERRA** shall submit the reports and documentation required by this Consent Agreement to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
20. **MS. GUERRA** shall verify that the reports and documentation required by this Consent Agreement are received in the Board office.
21. **MS. GUERRA** shall inform the Board within five (5) business days, in writing, of any change in address and/or telephone number.

#### Nursing Refresher Course or Orientation

**MS. GUERRA** shall, prior to working in a position where a nursing license is required, complete and submit satisfactory documentation of completion of a nursing refresher course or an extensive orientation approved in advance by the Board or its designee.

#### Temporary Narcotic Restrictions

**MS. GUERRA** shall not administer, have access to, or possess (except as prescribed for **MS. GUERRA**'s use by another so authorized by law who has full knowledge of **MS. GUERRA**'s history of chemical dependency and recovery status) any narcotics, other controlled substances, or mood altering drugs for a minimum period of **SIX (6) MONTHS** in which **MS. GUERRA** is working in a position that requires a nursing license. At any time after the six-month period previously described, **MS. GUERRA** may submit a written request to the Board to have this restriction re-evaluated. In addition, **MS. GUERRA** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MS. GUERRA** shall not call in or order prescriptions or prescription refills.

**Permanent Practice Restrictions**

**MS. GUERRA** further knowingly and voluntarily agrees with the Board to the following **PERMANENT LICENSURE RESTRICTIONS**:

Unless otherwise approved in advance by the Board or its designee, **MS. GUERRA** shall not practice nursing as a registered nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MS. GUERRA** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

Unless otherwise approved in advance by the Board or its designee, **MS. GUERRA** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

**FAILURE TO COMPLY**

The above described terms and conditions shall constitute "restrictions placed on a license" for purposes of Section 4723.28(B), ORC. If, in the discretion of the Board, **MS. GUERRA** appears to have violated or breached any terms or conditions of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

**DURATION / MODIFICATION OF TERMS**

The terms, limitations, and conditions of this Consent Agreement, **other than the permanent licensure restriction(s)**, may be modified or terminated, in writing, at any time upon the agreement of both **MS. GUERRA** and the Board.

The Board may only alter the indefinite suspension imposed if: (1) **MS. GUERRA** submits a written request for reinstatement; (2) the Board determines that **MS. GUERRA** has complied with all conditions of reinstatement; (3) the Board determines that **MS. GUERRA** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. GUERRA** and review of the documentation specified in this Consent Agreement; and (4) **MS. GUERRA** has entered into a Consent Agreement with the Board for probationary terms, conditions, and limitations determined by the Board for a minimum period of three (3) years following reinstatement.

**ACKNOWLEDGMENTS/LIABILITY RELEASE**

MS. GUERRA acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

MS. GUERRA waives all of her rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

MS. GUERRA waives any and all claims or causes of action she may have against the Board, and its members, officers, employees and/or agents arising out of matters that are the subject of this Consent Agreement.

This Consent Agreement is not an adjudication order as discussed in Chapter, 119, ORC. Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedures Act, Chapter 119, ORC.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, ORC. The information contained herein may be reported to appropriate organizations, data banks and governmental bodies.

**EFFECTIVE DATE**

MS. GUERRA understands that this Consent Agreement is subject to ratification by the Board prior to signature by the Board President and shall become effective upon the last date of signature below.

Linda Guerra R.N.  
LINDA GUERRA, R.N.

4-7-10  
DATE

Bertha M Lovelace BACRNA, RN  
BERTHA LOVELACE, President  
Ohio Board of Nursing

05/21/10  
DATE

2010 APR 12 PM 2:24



# Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

January 22, 2010

## NOTICE OF OPPORTUNITY FOR HEARING

Linda Guerra  
1942 Elwood Lane  
Springfield, Ohio 45506

Dear Ms. Guerra:

On or about December 9, 2009, the Board issued to you a Notice of Immediate Suspension and Opportunity for Hearing, a copy of which is attached hereto and incorporated herein.

You are notified that in accordance with Chapter 119, ORC, the Board proposes under authority of Section 4723.28, ORC, to deny, permanently revoke, revoke, suspend or place restrictions on your license to practice nursing as a registered nurse; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation for the following reasons:

1. On or about October 19, 2009, in Clark County Court of Common Pleas Case Number 09-CR-280, you pled guilty to and were found eligible for Intervention in Lieu of Conviction for one (1) count of Theft of a Dangerous Drug, a felony of the fourth degree, in violation of Section 2913.02, ORC.

The acts underlying Case Number 09-CR-280 occurred on or about March 4, 2009, and involve you obtaining Hydrocodone without the consent of the owner.

Section 4723.28(B)(4), ORC, authorizes the Board to discipline a licensee for conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, any felony. Section 4723.28(B)(5), ORC, authorizes the Board to discipline a licensee for conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, violating any municipal, state, county, or federal drug law.

2. In a written statement, dated May 15, 2009, you admitted to opiate withdrawal. You admitted that in March 2009, you went in to work at Ridgewood Nursing, in Springfield, Ohio, to finish your paperwork. You admitted that you asked a younger nurse to open the narcotic cart and used "her trust as a weapon to get my dope." You admitted to "popping out a few pills ... pretending to throw them in the needle box

Linda Guerra

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but putting them in my pocket." You admitted, "I went to the sink and took them with water..."

Section 4723.28(B)(8), ORC, authorizes the Board to discipline a licensee for self-administering or otherwise taking into the body any dangerous drug, as defined in Section 4729.01, ORC, in any way not in accordance with a legal, valid prescription issued for that individual. Section 4723.28(B)(13), ORC, authorizes the Board to discipline a licensee for obtaining or attempting to obtain money or anything of value by intentional misrepresentation or material deception in the course of practice.

Accordingly, the Board is authorized to impose one or more of the sanctions as cited in Section 4723.28, ORC.

In accordance with Chapter 119, ORC, you are hereby informed that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the Board office within thirty (30) days of the time of mailing of this notice. As required by Section 3719.121(C), ORC, the suspension ordered herein shall remain in effect until this hearing is held.

You are hereby further informed that, if you timely request a hearing, you are entitled to appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the Board, or you may present your position, arguments, or contentions in writing. At the hearing you may also present evidence and examine witnesses appearing for and against you.

Should you choose to request a hearing, please mail or deliver the request, in addition to any other correspondence regarding this matter, to: **Lisa Ferguson-Ramos, Compliance Unit Manager, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus OH 43215-7410, or [hearing@nursing.ohio.gov](mailto:hearing@nursing.ohio.gov).**

If the Board fails to receive a request for a hearing within thirty (30) days of the time of mailing of this notice, the Board may, in your absence and upon consideration of the factual and legal allegations set forth in this Notice of Opportunity for Hearing, deny, permanently revoke, revoke, suspend or place restrictions on your license to practice nursing as a registered nurse; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation.

Sincerely,



Anne Barnett, R.N., B.S.N., C.W.S.  
Supervising Board Member

Certified Mail Receipt No. 7009 2250 0004 1407 2508  
cc: Melissa Wilburn, Assistant Attorney General



# Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

December 9, 2009

## NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

Linda Guerra, R.N.  
221 Ridge Road  
Springfield, Ohio, 45503

Dear Ms. Guerra:

In accordance with Sections 2929.42 and/or 3719.12 of the Ohio Revised Code (ORC), the Ohio Board of Nursing (Board) has been notified that, on or about October 19, 2009, in Clark County Court of Common Pleas Case Number 09-CR-280, you pled guilty to and were found eligible for Intervention in Lieu of Conviction for one (1) count of Theft of a Dangerous Drug, a felony of the fourth degree, in violation of Section 2913.02, ORC.

Section 3719.121(C), ORC, states in pertinent part as follows:

On receiving notification pursuant to Section 2929.42 or 3719.12 of the Revised Code, the board under which a person has been issued a license, certificate or evidence of registration immediately shall suspend the license, certificate, or registration of that person on a plea of guilty to, a finding by a jury or court of the person's guilt of, or conviction of a felony drug abuse offense; a finding by a court of the person's eligibility for intervention in lieu of conviction; a plea of guilty to, or a finding by a jury or court of the person's guilt of, or the person's conviction of an offense in another jurisdiction that is essentially the same as a felony drug abuse offense; or a finding by a court of the person's eligibility for treatment or intervention in lieu of conviction in another jurisdiction.

**WHEREFORE, PURSUANT TO SECTION 3719.121(C), ORC, YOU ARE HEREBY NOTIFIED THAT YOUR LICENSE TO PRACTICE NURSING AS A REGISTERED NURSE IS HEREBY SUSPENDED.** Continued practice after receipt of this notice of suspension shall be considered engaging in the practice of nursing without a current, valid license, which is a violation of Section 4723.03(A), ORC. You are hereby ordered to surrender your Ohio license to practice nursing as a registered nurse, RN-128677, to the Board within ten (10) days of receipt of this notice.



Linda Guerra, R.N.

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In accordance with Chapter 119, ORC, you are hereby informed that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the Board office within thirty (30) days of the time of mailing of this notice. As required by Section 3719.121(C), ORC, the suspension ordered herein shall remain in effect until this hearing is held.

You are hereby further informed that, if you timely request a hearing, you are entitled to appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the Board, or you may present your position, arguments, or contentions in writing. At the hearing you may also present evidence and examine witnesses appearing for and against you.

Should you choose to request a hearing, please mail or deliver the request, in addition to any other correspondence regarding this matter, to: **Lisa Ferguson-Ramos, Compliance Manager, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, Ohio 43215-7410** or [hearing@nursing.ohio.gov](mailto:hearing@nursing.ohio.gov).

If the Board fails to receive a request for a hearing within thirty (30) days of the time of mailing of this notice, the Board may, in your absence and upon consideration of the factual and legal allegations set forth in this Notice of Immediate Suspension and Opportunity for Hearing, deny, permanently revoke, revoke, suspend or place restrictions on your license to practice nursing as a registered nurse; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation.

Sincerely,



Anne Barnett, R.N., B.S.N., C.W.S.  
Supervising Member

Certified Mail Receipt No. 7009 2250 004 1407 3789

cc: Melissa Wilburn, Assistant Attorney General