

IN THE MATTER OF PERMANENT  
REGISTERED NURSE LICENSE  
NUMBER 609403 ISSUED TO  
AMY R. ROSTOLLAN

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§

BEFORE THE TEXAS  
BOARD OF NURSING  
ELIGIBILITY AND  
DISCIPLINARY COMMITTEE



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.  
*William C. Thomas*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Amy R. Rostollan  
6012 E. Broad  
Texarkana, AR 71854

During open meeting held in Austin, Texas, on **September 10, 2013**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order

will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 609403, previously issued to AMY R ROSTOLLAN, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 10th day of September, 2013.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed July 11, 2013.

Re: Permanent Registered Nurse License Number 609403  
Issued to AMY R ROSTOLLAN  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_ day of September, 2013, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Amy R. Rostollan  
6012 E. Broad  
Texarkana, AR 71854

Via USPS First Class Mail

Amy R. Rostollan  
Rt. 21 Box 593 A2  
Texarkana, Arkansas 71854



BY:

\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of Permanent  
Registered Nurse License  
Number 609403 Issued to  
AMY R. ROSTOLLAN,  
Respondent**

§ **BEFORE THE TEXAS**  
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§  
§ **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, AMY R. ROSTOLLAN, is a Registered Nurse holding License Number 609403 which is in MSR Invalid status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

### **CHARGE I.**

On or about October 19, 2012, Respondent was issued Findings of Fact, Conclusions of Law and an Order by the Arkansas State Board of Nursing wherein Respondent's license to practice professional nursing in the State of Arkansas was Suspended for two (2) years, to be followed by Probation for two (2) years with terms and conditions. A copy of the Findings of Fact, Conclusions of Law and Order issued by the Arkansas State Board of Nursing, dated October 19, 2012, is attached and incorporated, by reference, as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

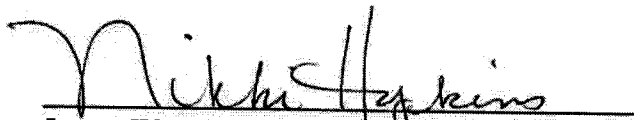
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Findings of Fact, Conclusions of Law and Order issued by the Arkansas State Board of Nursing, dated October 19, 2012.

Filed this 11<sup>th</sup> day of July, 2013.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel

Board Certified - Administrative Law

Texas Board of Legal Specialization

State Bar No. 10838300

Jena Abel, Assistant General Counsel

State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel

State Bar No. 24066924

John R. Griffith, Assistant General Counsel

State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel

State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel

State Bar No. 24052269

John F. Legris, Assistant General Counsel

State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460

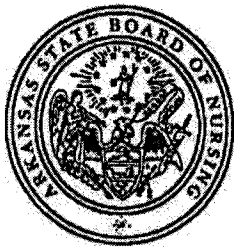
Austin, Texas 78701

P: (512) 305-6811

F: (512) 305-8101 or (512) 305-7401

Attachments: Findings of Fact, Conclusions of Law and Order issued by the Arkansas State Board of Nursing, dated October 19, 2012.

D/2012.06.19



## ARKANSAS STATE BOARD OF NURSING

1123 S. University Avenue, Suite 800, University Tower Building, Little Rock, AR 72204  
Phone: (501) 686-2700 Fax: (501) 686-2714 www.arsbn.org

### FORMAL DISCIPLINARY DOCUMENT

RE: AMY RUTH HODGSON ROSTOLLAN

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the Arkansas State Board of Nursing Discipline Department. These records are considered Certified by the Arkansas State Board of Nursing.

Certain information may have been withheld pursuant to Arkansas state laws. While those laws require that most records be disclosed on request, they may also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

A handwritten signature in black ink, reading "Phyllis DeClerk", is written over a horizontal line.

Phyllis DeClerk, RN  
ASBN Assistant Director

Board Seal

A faint, circular stamp is visible in the lower right area of the page, partially overlapping the "Board Seal" text. It appears to be an official seal or stamp of the board.

**BEFORE THE ARKANSAS STATE BOARD OF NURSING**

**IN THE MATTER OF:**

**AMY RUTH HODGSON ROSTOLLAN**

**RN LICENSE NO. R043437**

**FINDINGS OF FACT  
CONCLUSIONS OF LAW AND ORDER**

A hearing on the captioned matter was held before the Arkansas State Board of Nursing (hereinafter referred to as "the Board"), on October 10, 2012, in the Board Room of the Arkansas State Board of Nursing, 1123 South University, Suite 800, Little Rock, Arkansas. The Board was represented by its General Counsel, William F. Knight. Amy Ruth Hodgson Rostollan, (hereinafter referred to as "Respondent"), failed to appear before the Board and was not represented by counsel. The Order and Notice of Hearing was mailed to Respondent on September 20, 2012. On the basis of testimony and other evidence presented, the Board made the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF FACT**

1. Respondent is licensed as a registered nurse and holds license number R043437.
  2. On July 11, 2011, Jeanette Akin, Chief Nursing Officer, Wadley Regional Medical Center, Texarkana, Texas, notified the Board that Respondent's employment had been terminated after Respondent abandoned her patients on June 26, 2011. On the day in question, Respondent was a "no call / no show" for her shift which started at 7:00 a.m. on June 26, 2011.
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- At approximately 11:00 a.m., Respondent reported to work and stated she had overslept. At 12:50 p.m., Respondent took report on five patients. At 3:20 p.m., Respondent's supervisor was unable to find her and started looking for her in the hospital. They searched the hospital but were unable to find Respondent. At 4:20 p.m., a friend of Respondent's called Wadley Regional Medical Center and reported that Respondent was at her home. Respondent did not advise

**IN THE MATTER OF:**

**AMY RUTH HODGSON ROSTOLLAN**

**RN LICENSE NO. R043437**

anyone she was leaving the facility.

3. Respondent later reported that she had a seizure disorder and PTSD. She reported that she took Lamictal for seizures but had run out of the medication. Board staff requested a copy of Respondent's prescription for Lamictal which was not provided.

4. Respondent was counseled while employed at Wadley Regional Medical Center at least three (3) times for excessive absences. On June 24, 2011, Respondent was counseled for leaving the unit for extended periods of time, speaking disrespectfully to her team members, sharing her personal problems with patients and families, and frequently calling and texting staff members about work concerns.

5. It was determined that Respondent had also worked at Dubuis Texarkana, Living Hope, and Texarkana College. While employed at Dubuis, Respondent was counseled seven (7) times between February 1, 2008, and December 28, 2009, for attendance issues. Respondent was also counseled for a variety of other issues including charting medication that had not been given and charting the second administration two hours too soon.

6. On January 30, 2012, Respondent notified Board staff that she was in treatment for substance addiction at Summer Sky Treatment Center, Stephenville, Texas.

~~7. On June 3, 2012, Respondent notified Board staff that she had determined that it~~  
~~was not in her best interest to continue a career in nursing "now or in the immediate future."~~

**CONCLUSIONS OF LAW**

1. Pursuant to Ark. Code Ann. §17-87-309, the Board has subject matter and personal jurisdiction in this matter.

2. Respondent is guilty of violating Ark. Code Ann. §17-87-309(a)(4) and (a)(6).

**IN THE MATTER OF:**

**AMY RUTH HODGSON ROSTOLLAN**

**RN LICENSE NO. R043437**

**ORDER**

**IT IS THEREFORE ORDERED** that the license issued to Respondent be suspended for two (2) years, to be followed by probation for two (2) years, with the following conditions subject to reinstatement:

1. Respondent's license(s) and privilege to practice nursing in Arkansas is surrendered to the Board immediately.
2. Respondent must immediately notify the Board in writing of any change, even a temporary one, in name or address.
3. Respondent must provide evidence of successful completion of a continuing education course approved by the Board staff and submit a paper acceptable to Board Staff upon completion of each course, in the following: The Nurse Practice Act; Medication Administration; Legal & Professional Issues; and Anger Management.
4. Respondent must provide evidence of evaluation for treatment of addictive behavior. Acceptable evidence shall consist of an in-depth psychological/addiction evaluation with appropriate testing by a board approved practitioner who specializes in addiction disorders being sent directly to the Board. Respondent shall supply a copy of the Board's Order to the evaluator. ~~The evaluation must contain evidence that the evaluator knows the reason for the referral.~~ The evaluator must specifically advise the Board that the nurse is presently able to engage in the safe practice of nursing or recommend the conditions, if any, under which safe practice could occur. Respondent will execute any release necessary to give the Board access to records, including but not limited to medical, psychological, employment, and or criminal

**IN THE MATTER OF:**

**AMY RUTH HODGSON ROSTOLLAN**

**RN LICENSE NO. R043437**

records. Failure to execute a release shall be grounds for disciplinary action against Respondent's license / privilege to practice.

5. Respondent shall attend AA/NA, or other Board approved treatment program and must submit quarterly reports to the Board. Respondent shall provide acceptable evidence of attendance. Acceptable evidence shall consist of completion of the disciplinary form: Aftercare Meetings Report.

6. Respondent shall follow the evaluator's recommendations regarding treatment and support group meetings.

7. Respondent shall obtain or continue counseling with a psychiatrist, psychologist, or other recognized mental health practitioner and shall submit the practitioner's progress report every three (3) months until discharged by the practitioner.

8. Respondent must submit to random drug screens. The drug screens must meet the criteria established by the Board and be conducted through a Board-approved drug screen monitoring program and laboratory. Contact must be made with a Board-approved drug screen-monitoring program within five (5) business days of receipt of this Order. Respondent cannot submit specimens at the Respondent's place of employment or practice site. Respondent cannot collect any Board of Nursing ordered program participant drug screen. Respondent must contact the drug screening company **daily**. If selected for testing, Respondent will have **two (2) hours** to report to the drop off site.

9. Respondent must abstain at all times from the use of controlled or abuse potential substances, including alcohol, except as prescribed by a licensed practitioner from whom medical attention is sought. Respondent shall not consume hemp, poppy seeds, or any product or

**IN THE MATTER OF:**

**AMY RUTH HODGSON ROSTOLLAN**

**RN LICENSE NO. R043437**

by-product containing the same. Respondent shall inform all licensed practitioners who authorize prescriptions of controlled or abuse potential substances of Respondent's dependency on controlled or abuse potential substances, and Respondent shall cause all such licensed practitioners to submit a written report identifying the medication, dosage, and the date the medication was prescribed. The report shall be submitted directly to the Board by the prescribing practitioners within ten (10) days of the date of the prescription.

10. Respondent shall obtain or continue treatment from a practitioner who specializes in pain control regarding treatment of his/her pain. Respondent shall cause the Practitioner to submit a report to the Board. The report is to include evidence that the Practitioner has been provided a copy of the Board's Order, a plan of treatment and indicate that the Respondent is able to engage in the safe practice of nursing while under pain treatment or recommend the conditions, if any, under which safe practice could occur. The Respondent shall cause the Practitioner to submit a quarterly report until discharged by the practitioner.

11. Respondent is responsible for submitting a personal report to accompany required data to the Board on a quarterly basis.

12. Respondent's responsibility and duty is to insure that all required reports are submitted to the Board on a quarterly basis.

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13. Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.

14. All costs involved in complying with the Board's Order shall be borne by the Respondent.

**IN THE MATTER OF:**

**AMY RUTH HODGSON ROSTOLLAN**

**RN LICENSE NO. R043437**

15. Failure to comply with the terms of the Board's Order could result in further disciplinary action by the Board.

16. Respondent shall request license reinstatement to probation in a registered letter to the Board once compliance with the Board's suspension Order is met.

17. All conditions of the suspension period regarding treatment programs, random drug screens, and abstinence will continue through the probation period.

18. While on probation, if working as a nurse, Respondent must notify each employer of the Board's Order and must practice under an employer monitored nurse contract. The employer must submit to the Board a copy of the employer-monitored nurse contract and quarterly Performance Evaluation Reports.

19. Respondent must work under direct supervision in any setting. Direct supervision requires another nurse to be working in the same setting as Respondent and readily available to provide assistance and intervention.

20. Respondent may not be employed in hospice or home health settings.

21. Respondent may not work outside the State of Arkansas in another compact licensure state without written permission of the Arkansas State Board of Nursing and the Board of Nursing in the compact licensure state where Respondent wishes to work.

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22. Verification of termination of the probationary period shall be requested in a registered letter to the Board.

**IT IS FURTHER ORDERED** that Respondent pay a civil penalty of \$2,563.00 pursuant to Arkansas Code Ann. §17-87-104(b)(1). The civil penalty is to be paid within fifteen (15) calendar days following the date for appeal.

IN THE MATTER OF:

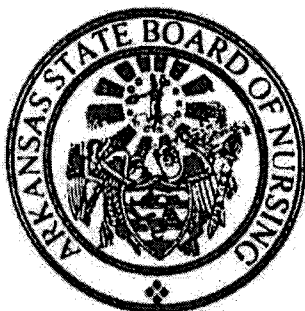
AMY RUTH HODGSON ROSTOLLAN

RN LICENSE NO. R043437

Respondent may request judicial review of the decision rendered by the Board by filing a petition in the circuit court of any county in which Respondent resides or does business or in the Circuit Court of Pulaski County within thirty (30) days after service upon Respondent of the Board's final decision.

DATED this 19<sup>th</sup> day of October, 2012.

ARKANSAS STATE BOARD OF NURSING



BY:

*William F. Knight*

WILLIAM F. KNIGHT, AR Bar No. 85086  
ASBN General Counsel

*Phyllis DeClerk*

PHYLLIS DeCLERK, RN, LNCC  
ASBN Assistant Director  
University Tower Building, Suite 800  
1123 South University Avenue  
Little Rock, Arkansas 72204  
(501) 686-2700

**IN THE MATTER OF:**

**AMY RUTH HODGSON ROSTOLLAN**

**RN LICENSE NO. R043437**

**CERTIFICATE OF SERVICE**

I, Phyllis DeClerk, ASBN Assistant Director, do hereby certify that I have served a copy of the foregoing document by mailing a copy of same by certified, return receipt requested, U.S.

Mail, postage prepaid, this 19<sup>th</sup> day of October, 2012, to the following:

**AMY RUTH ROSTOLLAN**  
6012 E. BROAD  
TEXARKANA, AR 71854

  
\_\_\_\_\_  
PHYLLIS DeCLERK, RN, LNCC