BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF (RE)APPLICATION
FOR NURSE PRACTITIONER
CERTIFICATION AND PRESCRIBING AND
DISPENSING AUTHORITY BY:
LAURA LYNN SMITH,
A.K.A.: SUKANLAYA HUGHES, ANNE
HUGHES, ANNE BINSON,
APPLICANT

ORDER OF DENIAL
NO. 1611022

On July 20, 2017, the Arizona State Board of Nursing (“Board”) considered the application for licensure of Laura Lynn Smith (“Applicant”).

FINDINGS OF FACT

1. On or about July 23, 2013, Applicant, who held Board issued certificates and nursing license numbers, AP4387, SN1019, RN151776, LP042913, (and CNA1000007935, which lapsed in 2007) under the name Sukunlaya Hughes, reported to the Board that on July 13, 2013, she was arrested and charged with domestic violence related assault, criminal damage and disorder conduct. Based on this information, the Board initiated an investigation. On or about November 20, 2015, in case number 1307097, after discovering numerous potential violations of the Nurse Practice Act, the Board found the public health and safety and welfare required emergency action, and the Board summarily suspended Applicant’s AP certificate and SN, RN and LPN licenses, pending further proceedings.

2. On or about February 18, 2016, the Oregon Board of Nursing Revoked Applicant’s RN and NP licenses which she held since September 1, 2015, under the name Sukunlaya Hughes, for submitting an application to Oregon on May 26, 2015, and failing to disclose she was ever investigated for violating any law or rule regulating the healthcare
profession by failing to disclose the Arizona State Board of Nursing’s active investigation; falsifying her credentials claiming she earned a Psychiatric Nurse Practitioner and Doctorate of Nursing Practice from Vanderbilt University without ever having attended that school; submitting a forged letter of recommendation and documentation of practice hours with her Oregon application; the summary suspension by the Arizona Board on November 20, 2015; and a December 3, 2015 evaluation done for the Arizona Board which found it is unclear whether she will be able to function safely as a nurse in the foreseeable future. As of July 6, 2017, Applicant’s Oregon RN and NP have not been reinstated.

3. On or about January 21, 2016, the Nevada Board of Nursing denied Applicant’s application for RN and Advanced Practice Registered Nurse licensure under the name Sukanlaya Hughes for submitting a fraudulent application and having an action in another state. As of July 6, 2017, Applicant’s licenses in Nevada have not been reinstated.

4. On or about January 21, 2016, the North Dakota Board of Nursing denied Applicant’s application for APRN licensure under the name Sukanlaya Hughes, for being under investigation by the Arizona Board when she applied for licensure, but denied all disciplinary questions, including one asking if she has been the subject of a disciplinary action in another jurisdiction.

5. On or about April 14, 2016, the New Mexico Board of Nursing Revoked Applicant’s nurse practitioner license, CNP-02424, which she held under the name Sukanlaya Hughes.

6. On or about January 19, 2016, the Washington Nursing Care Quality Assurance Commission issued an Ex Parte Order of Summary Suspension, summarily suspending Applicant’s RN and Advanced Registered Nurse Practitioner credentials, and on March 3, 2016,
issued Findings of Fact, Conclusions of Law and Final Order of Default, indefinitely suspending Applicant’s RN and Advanced Practice licenses, AP60576937-NP, and RN60566020, which she held under the name Sukanlaya Hughes, for violations related to her November 20, 2015, Order of Summary Suspension in Arizona.

7. On or about August 10, 2016, Applicant applied to the (AZ) Board for NP certification and Prescribing and Dispensing Authority by endorsement, as “Laura Lynn Smith.” On the application, Applicant failed to disclose her former name, Sukanlaya Hughes. She submitted this application while she was under investigation by the Board in case number 1307097, and her Arizona issued credentials, AP4387, SN1019, RN151776, which she currently held under the name Sukanlaya Hughes, had been summarily suspended by the Board on November 20, 2016, in Findings of Public Emergency and Order of Summary Suspension in case no 1307097.

Also on her August 10, 2016, application, Applicant answered, “No” to the question, “Are you currently under investigation or is disciplinary action pending against your nursing license advanced practice certificate or any other license or certification you hold in any state or territory of the United States?” Applicant failed to disclose that her Arizona issued AP certificate, RN and SN licenses, AP4387, SN1019, RN151776, which she held under the name, Sukanlaya Hughes, were currently under investigation by the Arizona Board, in case number 1307097. Applicant also failed to disclose that she that she was under investigation by the Hawaii Board in Complaint No RNS-2015-0080L.

Also on her August 10, 2016, application, Applicant lists only her North Dakota RN license under the item that states, “List the state/territory, license number, and current status of all RN
licenses.” Applicant failed to list the RN licenses that were issued to her in Arizona, Nevada, Oregon, Washington, and Hawaii.

Also on her August 10, 2016, application, Applicant wrote “Singapore” as her place of birth. On the U.S. Passport she provided, however, her place of her birth is stated as Thailand.

Also with her August 10, 2016, application, Applicant provided a transcript from the University of Alabama, which has all the same classes, taken in the same semesters, with the same grades, and Master of Science in nursing degree award date, as the one previously submitted by Applicant under the name, Sukanlaya Hughes.

Also with her August 10, 2016, application, Applicant provided her passport with the name Laura Lynn Smith on it. Board Staff obtained the identification photograph taken of Applicant under the name Laura Lynn Smith when she took her nursing licensure examination (NCLEX). On April 7, 2017, Board Staff who interviewed Applicant for case number 1307097 identified the photographs of Laura Lynn Smith as the same person she interviewed as Sukanlaya Hughes during the previous investigation.

8. On or about December 27, 2016, the (Arizona) Board revoked Applicant’s AP certificate, RN and SN licenses, AP4387, SN1019, RN151776, which she held under the name Sukanlaya Hughes, (without the knowledge at the time that she had surreptitiously reapplied under the new name, Laura Lynn Smith on August 10, 2016) for violations of the Nurse Practice Act including her psychiatric issues, misrepresenting her credentials, her treatment of her ex-husband as a patient with the attendant boundary and standard of care issues; her prescribing of controlled substances; her prescribing phentermine, which is not within the scope of practice as a nurse practitioner, her employment issues, and her criminal charges. Findings of Fact, Conclusions of Law and Order No. 16A-1307097, is attached and incorporated herein.
9. On or about August 13, 2016, Applicant applied for Certified Nurse Practitioner licensure in New Mexico, under the name, Laura Lynn Smith. She answered, “N/A” on the application to the item, “List Any Other Names(s) [sic], (Surname, First or Middle, N/A if None) ever used for Advanced Practice License.” Applicant failed to disclose her former name, Sukanlaya Hughes. Applicant answered, “N” [No] to the question, “Has disciplinary action ever been taken against your nursing license?” Applicant failed to disclose the Arizona Summary Suspension, and other disciplinary actions taken by the nursing regulatory agencies in Nevada, New Mexico, North Dakota, Oregon, Washington, and New Mexico itself. Applicant also answered, “N” [No] to the question, “Is an Investigation or disciplinary action pending against a nursing license in another jurisdiction? Applicant failed to disclose her nursing license was under investigation in Arizona and Hawaii. On or about September 12, 2016, Applicant was granted Certified Nurse Practitioner licensure in New Mexico under the name Laura Lynn Smith, despite the fact she was revoked under her previous name on April 14, 2016, and was not eligible for reinstatement for one year from the date of her revocation.

10. On or about April 28, 2017, the North Dakota Board of Nursing Summarily suspended Applicant’s Advanced Practice Registered Nursing License, and Registered Nursing license R43507, which she held under the name Laura Lynn Smith since on or about August 15, 2016, for obtaining the license by fraud or deceit after previously being denied initial licensure under the name Sukanlaya Hughes on January 21, 2016. As of July 11, 2017, Applicant’s license has not been reinstated.

11. On or about December 13, 2016, Applicant applied to the Oregon State Board of Nursing for licensure as an RN and Nurse Practitioner by endorsement, as “Laura Lynn Smith.” Applicant attested affirmatively to the statement on an application, “I have never held an Oregon
State Registered Nursing license.” Applicant failed to disclose that she had previously been
granted an RN license and NP certification in Oregon on September 1, 2015, under the name
Sukanlaya Hughes, and that her Oregon credentials were revoked on February 18, 2016, and she
was not eligible for reinstatement for a minimum of 3 years. Applicant failed to disclose she was
previously known as Sukanlaya Hughes. Also on her applications to the Oregon Board,
Applicant denied ever being under investigation regarding a healthcare profession, denied ever
being found in violation of any law or rule regarding a healthcare profession, denied that any
agency had ever taken action against any healthcare license or certification she has held in any
jurisdiction. Applicant attested on the application that she held only a current RN license in
North Dakota. Applicant failed to disclose that in 2016, her RN and NP licenses were revoked
(all under the name Sukanlaya Hughes) in Arizona, Washington, New Mexico, North Dakota,
and Nevada. Applicant failed to disclose she had current licenses (as Laura Lynn Smith) in
Washington, New Mexico, Montana, and also a license in Hawaii. On or about May 10, 2017,
the Oregon Board of Nursing voted to deny Applicant’s Oregon RN license and AP certification
as Laura Lynn Smith, AKA Sukanlaya Hughes, as of July 12, 2017, the Order was final. As of
July 13, 2017, her licenses have not been reinstated.

12. On or about June 14, 2017, the Washington Nursing Care Quality Assurance
Commission summarily suspended Applicant’s registered nursing license, RN60696023, and
APRN licenses, which she held under the name Laura Lynn Smith, for applying for Registered
Nurse and Advanced Registered Nurse Practitioner credentials under the name Laura Lynn
Smith, and failing to inform the Commission that she held suspended credentials as an RN and
APRN in Washington under the name Sukanlaya Hughes; and for the disciplinary action on April
28, 2017, by the North Dakota Board.
13. On or about April 19, 2017, Board Staff mailed Applicant an Arrest/Citation/Charge Questionnaire and a letter indicating the Board was aware of her alternate identity, Sukanlaya Hughes, and instructed her to provide, among other things, her name change documentation and a letter of explanation. Applicant failed to respond or return a questionnaire or provide the information as instructed.

14. As of April 19, 2017, the website identified in FOF#7 in Findings of Fact, Conclusions of Law and Order No. 16A-1307097-NUR, (which was issued when Applicant was still using the name, Sukanlaya Hughes), “azonlinepsyhciatry.com,” was still active, and Applicant’s new name, “Laura Lynn Smith” was on the website. It still has the same Mesa, Arizona, address that it did in 2015. On the “Welcome” page, Applicant’s credentials are listed as “Laura L. Smith (PMHNP-BC) Psychiatric Nurse Practitioner.” As of April 19, 2017, no Laura L. Smith was licensed/certified in Arizona as a Nurse Practitioner. Under the Forms tab of the website, several documents can be accessed. The heading of the form states, “Office of Anne Hughes, Psychiatric Nurse Practitioner.” The phone number, fax number, and web address, azonlinepsychiatry.com, listed on Anne Hughes’ forms, all match the phone, fax number, and web address on the Welcome page which contains the physical address in Mesa, Arizona and Laura Lynn Smith’s name on it. As of April 19, 2017, no “Anne Hughes” was licensed/certified in Arizona as a Nurse Practitioner. Employment records from Southwest Behavioral Health in Phoenix, Arizona, contained a note written in 2015 where in Sukanlaya Hughes identifies herself as “Sukanlaya (Anne) Hughes.” Applicant has not held Arizona-issued Nurse Practitioner credentials under the names Laura Smith, or Anne Hughes, and her Arizona issued Nurse Practitioner credentials were revoked under the name Sukanlaya Hughes on December 27, 2016, and have not been reinstated as of July 13, 2017.
15. On or about June 7, 2017, Board Staff mailed Applicant (using the address on her application to the Board, the address on her website, and an alternate address) a Cease and Desist Letter, informing her the Board was aware she was representing herself as a Psychiatric Nurse Practitioner in Arizona, and demanded she cease and desist using the credentials because as of December 27, 2016, they were revoked. As of July 6, 2017, the website was unchanged.

16. On or about July 13, 2017, in case number CR2017-002388, Applicant was charged with attempted fraudulent schemes and artifices, a class 3 felony; fraudulent schemes and artifices a class 5 felony; forgery, a class 4 felony; and perjury, a class 4 felony, in Maricopa County Superior Court in Maricopa County, Arizona, for conduct related to her application to the Board. Applicant failed to report the charges to the Board as required by statute and rule. As of July 20, 2017, the charges were still pending.

CONCLUSIONS OF LAW

In light of the above Findings of Fact, the Board has cause to deny the application for licensure of Laura Lynn Smith pursuant to A.R.S. § 32-1663(A) and (B), as currently cited as and as defined in A.R.S. § 32-1601 (24) (a)(Committing fraud or deceit in obtaining, attempting to obtain or renewing a license or certificate issued pursuant to this chapter), (b)(Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission), (d)(Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public), (f)(Having a license, certificate, permit or registration to practice a health care profession denied, suspended, conditioned, limited or revoked in another jurisdiction and not reinstated by that jurisdiction), (g)(Willfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this chapter), (h)(Committing
an act that deceives, defrauds or harms the public), (i)( Failing to comply with a stipulated agreement, consent agreement or board order), (j)(Violating a rule that is adopted by the Board pursuant to this chapter) (effective July 1, 2016); and A.R.S. 32-1636(C)(Only a person who holds a valid and current certificate issued pursuant to this chapter to practice as a registered nurse practitioner in this state may use the title “nurse practitioner”, “registered nurse practitioner” or “nurse midwife”, if applicable, or use any words or letters to indicate the person is a registered nurse practitioner. A person who is certified as a registered nurse practitioner shall indicate by title or initials the specialty area of certification); A.R.S. §32-1666 (A)(It is unlawful for a person who is not licensed or certified under this chapter to): (1) Practice or offer to practice as a registered or practical nurse, registered nurse practitioner or clinical nurse specialist in this state)(2)(Represent or use any title, abbreviation, letters, figures, sign, card or device to indicate that the person or any other person is a registered nurse, graduate nurse, professional nurse, nurse practitioner, clinical nurse specialist, practical nurse, licensed nursing assistant or certified nursing assistant)(3)(Represent or use any title, abbreviation, letters, sign, card or device to indicate that the person or any other person is certified pursuant to this chapter); and A.R.S. § 32-1667(A person is guilty of a class 6 felony who): (1)(Sells or fraudulently obtains or furnishes any nursing diploma, certificate, license, permit or record), (2)(Engages in any conduct prohibited in section 32-1666), (4) Practices nursing under cover of any diploma, license, permit or record illegally or fraudulently obtained, signed or issued unlawfully or because of fraudulent representation); and A.R.S. § 32-3208 (B) (An applicant for licensure or certification as a health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after submitting the application must notify the health professional’s regulatory board in writing within ten working days after the charge is filed) and
(E)(The regulatory Board may deny the application of an applicant who does not comply with the notification requirements of this section) (effective September 18, 2003); and A.A.C. R4-19-403(20)(Engaging in fraud, misrepresentation, or deceit in taking a licensing examination or on an initial or renewal application for a license or certificate), (21)(Impersonating a nurse licensed or certified under this Chapter), (23)(Advertising the practice of nursing with untruthful or misleading statements), (24)(Practicing nursing without a current license or while the license is suspended), (25)(Failing to): (a)(Furnish in writing a full and complete explanation of a matter reported pursuant to A.R.S. § 32-1664), (26)(Making a written false or inaccurate statement to the Board or the Board's designee in the course of an investigation), (27)(Making a false or misleading statement on a nursing or health care related employment or credential application concerning previous employment, employment experience, education, or credentials), (28)(If a licensee or applicant is charged with a felony or a misdemeanor involving conduct that may affect patient safety, failing to notify the Board in writing, as required under A.R.S. § 32-3208, within ten days of being charged. The licensee or applicant shall include the following in the notification: a) Name, address, telephone number, social security number, and license number, if applicable; b) Date of the charge; and c) Nature of the offense), (31)(Practicing in any other manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed) (effective January 31, 2009).

ORDER

NOW THEREFORE, IT IS ORDERED that the application of Laura Lynn Smith for a certificate to practice as a Nurse Practitioner in the State of Arizona is denied and any temporary certificate or license issued to Applicant is hereby revoked. Pursuant to A.A.C. R4-19-609, the
effective date of the Order of Denial is upon expiration of the time for filing an appeal, 30 days after the date of service of the Order of Denial.

IT IS FURTHER ORDERED that Applicant is not eligible to reapply for said certificate pursuant to A.A.C. R4-19-404 for at minimum, five years from the effective date of the Order of Denial.

IT IS FURTHER ORDERED that Applicant shall immediately cease and desist the practice of nursing in the State of Arizona and is not eligible to practice nursing in Arizona under the privilege of any Compact state without prior approval from the Arizona Board of Nursing.

PURSUANT TO A.R.S. § 41-1092.03, any person aggrieved by this Order may apply to the Board, in writing, within thirty days of receipt and request a public hearing with respect to this Order. If you request a public hearing with respect to this Order, you also have the right to request an informal settlement conference by filing a written request with the Board, pursuant to A.R.S. § 41-1092.06, no later than 20 days before the scheduled hearing. The conference will be held within 15 days after receipt of your request. Please note that you waive any right to object to the participation of the Board’s representative in the final administrative decision of the matter if it is not settled at the conference. For answers to questions regarding the appeals process, contact the Hearing Department at (602) 771-7844.

Dated this _____20th___ day of ______July________, 2017.

SEAL

ARIZONA STATE BOARD OF NURSING

________________________
Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director
COPY mailed this 3rd day of August, 2017, by First Class Mail and by Certified Mail No. 7016 2140 0000 7106 8405 to:

Laura Lynn Smith
5120 E Hampton Ave #1018
Mesa, AZ 85206

COPY mailed this 3rd day of August, 2017, by First Class Mail and by Certified Mail No. 7016 2140 0000 7106 8412 to:

Laura Lynn Smith
1735 E Bartlett Place
Chandler, AZ 85249

By: R. Carr
Legal Secretary
IN THE MATTER OF REGISTERED NURSE LICENSE NO. RN151776; ADVANCED PRACTICE CERTIFICATE NO. AP4387; SCHOOL NURSE CERTIFICATE NO. SN1019 (expired 7/31/12) AND PRACTICAL NURSE LICENSE NO. LP042913 (expired 4/1/11); ISSUED TO:

SUKANLAYA HUGHES,
RESPONDENT

A hearing was held before Dorinda M. Lang, Administrative Law Judge (“ALJ”), at 1400 West Washington Suite 101, Phoenix Arizona, on October 6, 2016. Elizabeth Campbell, Assistant Attorney General, appeared on behalf of the State. Sukanlaya Hughes (“Respondent”) was not present and was not represented by counsel.

On October 24, 2016, the ALJ issued Findings of Fact, Conclusions of Law and Recommendations. On November 18, 2016, the Arizona State Board of Nursing met to consider the ALJ’s recommendations. Based upon the ALJ’s recommendations and the administrative record in this matter, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The hearing in this matter convened to determine whether grounds exist to take disciplinary action, including suspension or revocation against Sukanlaya Hughes (“Respondent”). The Arizona Board of Nursing (“Board”) summarily suspended Respondent's registered nurse license and set the matter for hearing with the Arizona Office of Administrative Hearings, an independent agency authorized to conduct hearings in contested matters arising out of State regulation.
2. On August 24, 2016, the Board issued a Notice of Hearing setting forth its position in this matter and that facts upon which it proposed to take action. The Notice of Hearing stated, in relevant part, as follows:

PARTIES
1. The Arizona State Board of Nursing ("Board") has the authority to regulate and control the practice of nursing in the State of Arizona, pursuant to A.R.S. §§ 32-1606, 32-1663, 32-1664, 41-1092.11(B). The Board also has the authority to impose disciplinary sanctions against the holders of nursing licenses for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 to -1669 and Arizona Administrative Code ("A.AC.") Rules 4-19-101 to -815.
2. Sukanlaya Hughes ("Respondent") holds Board issued registered nurse license no. RN151776 (expires on 4/1/16); advanced practice certificate no. AP4387 (expires on 3/4/17); school nurse certificate no. SN1019 (expired 7/31/12) and practical nurse license no. LP042913 (expired 4/1/11) to perform as a registered nurse in the State of Arizona.

IV. FACTUAL ALLEGATIONS
1. On or about July 13, 2013, according to Mesa Police Department (AZ) report number 2013-1940746, police responded to Respondent's residence for a domestic violence altercation. Respondent's husband, RH, told police that he and Respondent had an argument. During the argument, Mr. Hughes said Respondent grabbed a steak knife and stabbed a counter and a door. Mr. Hughes had video recordings of Respondent's conduct and the videos depict Respondent grabbing her husband's hands and RH telling Respondent to get off of him. Respondent also repeatedly stabs the counter top with a screwdriver and can be heard screaming. Respondent is shown holding a meat cleaver while sitting on the sofa, stroking it; and with the cleaver in the bathroom. Respondent admitted to police that she stabbed the countertop and bedroom door because "He (RH) made me do it when he called me a name."

On or about December 30, 2013, in Mesa Municipal Court (AZ) case number 2013047865, Respondent was convicted of Criminal Damage/Domestic Violence, a misdemeanor. On or about August 20, 2014, Applicant's judgment of guilt was set aside. On or about October 20, 2015, during an interview with Board staff, Respondent admitted she struggled with her husband as she tried to remove an iPad from his hands. Respondent also admitted stabbing her counter top with a knife; however, she denied stabbing any doors.

2. On or about July 13, 2013, Respondent's husband showed Mesa Police Department officers video footage of Respondent's conduct. One video clips shows Respondent sitting on the toilet and there is a meat
cleaver sitting on the counter next to Respondent. Additional footage shows Respondent sitting on a couch, with her legs crossed, stroking a meat cleaver. On or about October 20, 2015, during an interview with Board staff, Respondent was asked about the video footage of Respondent sitting on the toilet with a meat cleaver on the counter and Respondent sitting on a couch holding and stroking a meat cleaver. Respondent first denied having the knife, then said she was cutting meat for her dogs/likes to cook, then said she is afraid of her husband then later admitted she took the knife with her to the restroom and was holding the knife on the couch because she is afraid of her husband. Respondent and Mr. Hughes divorced January 31, 2014, approximately six months after this incident. Despite Respondent's purported fear of her husband, and Respondent's statement that her husband is psychotic and delusional, Respondent continued living with Mr. Hughes after their divorce and was still living with him as of October 20, 2015.

3. On or about September 1, 2013, according to Mesa Police Department (AZ) report number 2013-2440428, police responded to Respondent's home due to Respondent's reported mental health crisis. Respondent's husband, RH, told police that Respondent was threatening self-harm and had sent him a text stating that she had taken a potentially lethal amount of Ativan (a benzodiazepine). When police arrived, Respondent denied that she had threatened or attempted to harm herself. Respondent was taken to Mountain Vista Medical Center (Mesa, AZ) for evaluation, where she denied attempting to harm herself. Respondent's blood test results from Mountain Vista Medical Center were negative for benzodiazepines. Respondent was transferred to Aurora Behavioral Health (Tempe, AZ), on September 2, 2013, where she admitted she held a knife to her throat while arguing with her husband, but denied her actions were an attempt to harm herself. On or about October 20, 2015, during an interview with Board staff, Respondent denied attempting to harm herself with a knife or Ativan, but claimed she took Tylenol to "scare my husband, and see if he cared about me."

4. On or about September 2, 2013, Respondent was admitted to Aurora Behavioral Health for a mental health evaluation. Respondent's chief complaint was thoughts of self-harm. Records indicate providers determined that Respondent presented a current danger to self or others, which required continued monitoring to be safe. On September 6, 2013, Respondent was discharged with a diagnosis of a mental health condition. Respondent received treatment. In July and October 2015, Respondent was seen by a mental health provider, was diagnosed with mental health conditions in need of treatment, including medication.

5. On or about November 25, 2014, Respondent was terminated from Southwest Behavioral Health ("SBH") as a Client Services Representative Lead for boundary violations. SBH's patient GP reported that Respondent, who had previously been his provider, hired
him to help her move, told him about domestic violence in her marriage, and took him to lunch. On or about November 25, 2014, SBH staff met with Respondent. During the meeting, Respondent admitted to SBH staff that she had GP come to her private practice where she asked him if he would be willing to help her move. Respondent didn't see a problem with GP helping her after she was no longer an employee of SBH. Respondent believed she would be helping GP because GP could use the money. Respondent also admitted that she provided lunch for GP. According to Respondent, the lunch was provided in return for the distance GP drove to meet her at her practice. On or about April 2, 2015, Respondent submitted a written statement to the Board and denied having lunch with the patient. On or about October 20, 2015, during an interview with Board staff, Respondent admitted meeting and interviewing a former patient (GP), who responded to Respondent's online ad without realizing Respondent was his former provider. Respondent also admitted telling the patient she had domestic problems and she offered the client food that was available at her office. However, Respondent denied hiring the patient to help her move. Respondent's April 2, 2015 written statement contradicts her verbal statement to Board staff on or about, October 20, 2015, in that Respondent initially admitted in writing that she hired GP to help her move, but then denied hiring him during her interview with Board staff.

6. On or about April 27, 2015, the Senior Associate Dean for Academics for Vanderbilt ("Vanderbilt") University School of Nursing, advised the Board that Vanderbilt University received a third party education verification for Respondent, who had applied for employment with Devereux-Phoenix, and claimed that she earned a Psychiatric Mental Health Nurse Practitioner and Doctor of Nursing Practice ("DNP") from Vanderbilt in 2011. The Associate Dean stated that Vanderbilt's Registrar researched the university's databases, from the 80s to present, and did not locate any records of enrollment for Respondent, for any university program. On or about May 18, 2015, Board Staff received a copy the Resume/Curriculum Vitae Respondent submitted to Devereux, which states that Respondent has a "Doctor of Nursing Practice, Family Psychiatric Nurse Practitioner, Vanderbilt University, 2012-2014." On or about April 6, 2015, Respondent signed Devereux's the Independent Contractor Agreement and listed her title as PMHNP-BC, DNP (Psychiatric-Mental Health Nurse Practitioner-Board Certified, Doctorate in Nursing Practice) when her true credentials are PMHNP-BC without a DNP. On or about October 20, 2015, during an interview with Board staff Respondent admitted that she submitted documentation for employment to Devereux that indicated she obtained a Doctor of Nursing Practice, Family Psychiatric Nurse Practitioner from Vanderbilt, and that she has never obtained a DNP and has never attended Vanderbilt. When asked why she falsified her credentials, Respondent said, "Right now NPs are a dime a dozen." Respondent said she wanted
to give herself more "credit." Respondent also said she used Vanderbilt because "It is a good school." Respondent said it was poor judgement on her part.

7. On or about May 4, 2015, Board staff noted and recorded that Respondent's website for her private practice - www.Azonlinepsychiatry.com states that Respondent "received a graduate degree (DNP) as a Family Psychiatric Nurse Practitioner from Vanderbilt University". On or about October 20, 2015, during an interview with Board staff, Respondent admitted this fact. Respondent said the DNP credentials were added to her website to make her practice more marketable. Respondent explained that there are several mental health providers located within a close proximity of her practice. Respondent also noted the credentials were listed on her practice website for approximately one year; however, Respondent's website has since been updated and the information has been removed since she was notified by the Board of the complaint.

8. On or about January 28, 2014, Board staff mailed Respondent a second set of questionnaires, one each for her second and third complaints. Both questionnaires direct Respondent to "Indicate all degrees you hold and list the year of graduation and year of initial licensure, if applicable." On or about April 2, 2015, Board staff received Respondent's questionnaires. On both questionnaires, Respondent incorrectly indicated that she held a "Doctorate, Nursing." Respondent noted she graduated in 2013. Respondent admitted in her October 22, 2015, interview with Board staff that she never obtained a Doctor of Nursing.

9. On or about June 1, 2015, Respondent applied for licensure as a Registered Nurse and Advanced Practice Registered Nurse by Endorsement to the Nevada State Board of Nursing. Respondent answered, "No" to the questions that asked: d. Are you the subject of a current investigation or inquiry in any state or jurisdiction? Respondent signed and dated the application, on or about May 25, 2015, affirming that she read the application and the statements made are true and correct. However, Respondent provided an incorrect response. Respondent should have answered, "Yes" and disclosed the Arizona Board's current investigation. Arizona Board staff mailed Respondent four complaint questionnaires in three mailings, on August 15, 2013, January 28, 2014 (containing 2 questionnaires) and May 5, 2015, advising of each complaint/investigation. On or about October 20, 2015, during an interview with Board staff, Respondent was asked if she disclosed that her Arizona nursing license was currently under investigation when she applied to other states for licensure by endorsement. Respondent said, "Yes, I told them everything." Respondent said she provided copies of police reports and advised the other Boards to contact the Arizona Board if they had questions. However, Respondent did not provide police reports to the Nevada State
Board of Nursing, and did not notify them of the Arizona Board's investigation.

10. On or about June 4, 2015, Respondent applied for Initial Nurse Practitioner Certification to the Oregon State Board of Nursing. Respondent answered, "No" to the questions that asked: 3. Other than a traffic ticket, have you ever been arrested, cited or charged with an offense? ATTENTION: This includes all arrests, citations, or charges for felony or misdemeanor crimes, even if you were not convicted of any charge (for example-no charges were filed, case was dismissed, or you entered a diversion program). Driving under the influence must be reported here, and question 5. a) Have you ever been investigated for any alleged violation of any state or federal law, rule, or practice standard regulating a health care profession? Include any pending investigation. Respondent provided an incorrect response. Respondent should have answered, "Yes" and disclosed her arrest on or about July 13, 2013 when she was charged with Assault/Domestic Violence, Criminal Damage, and Disorderly Conduct, misdemeanors, in Mesa, AZ. Respondent was also arrested on September 28, 2014, and charged with Criminal Damage/Domestic Violence and Disorderly Conduct/Domestic Violence, misdemeanors, in Mesa, AZ. Respondent also should have answered, "Yes" to question 5 and disclosed the Board's current investigation. Board staff mailed Respondent four questionnaires, on August 15, 2013, January 28, 2014 and May 5, 2015, advising of each complaint. Respondent returned three questionnaires, as directed. Respondent failed to return the fourth questionnaire; however, Respondent returned the form to requesting a copy of the complaint. On or about October 20, 2015, during an interview with Board staff, Respondent was asked if she disclosed that her Arizona nursing license was currently under investigation. Respondent said, "Yes, I told them everything." Respondent said she provided copies of police reports and advised the Boards to contact the Arizona Board if they had questions. However, Respondent did not provide police reports to the Oregon State Board of Nursing, and did not notify them of the Arizona Board's investigation.

11. Between April 2012 and January 2015, according to CVS and Walgreen's Pharmacy Records, Respondent's husband/ex-husband received and filled approximately 57 prescriptions, including controlled substances that were prescribed by Respondent. Between August 6, 2013 and January 2, 2015, according to Respondent's Walgreens and CVS prescription profiles, and by Respondent's admission to Board staff, Respondent prescribed multiple controlled substances to her husband/ex-husband, RH, to include Phentermine Hydrochloride,[Footnote 1] Clonazepam [Footnote 2] and Lorazepam.[Footnote 3] Respondent prescribed controlled substances to her husband/ex-husband (with whom she was still living) in violation of the standard of care,[Footnote 4] professional boundaries, and A.A.C. R4-19-511.
[Footnotes: 1 Schedule IV Controlled Substance. A.R.S. § 36-2515. 2 Schedule IV Controlled Substance. A.R.S. § 36-2515.3 Schedule IV Controlled Substance. A.R.S. § 36-2515.4 The standard of care requires that nurse practitioners avoid treating family or any other individual with whom the nurse has a relationship that affects the nurse's ability to use independent, objective, and sound nursing judgment when prescribing.]

12. On or about February 18, 2015, Board Staff mailed Respondent a subpoena requiring her to submit any and all medical records in her possession, for her husband/ex-husband, Patient RH, to the Board no later than March 4, 2015. Respondent failed to respond by the due date. Respondent was mailed a second subpoena on or about March 11, 2015, with a response due on March 25, 2015. On or about April 3, 2015, Respondent submitted copies of her Psychiatric Progress Notes for services she provided to Patient RH. Respondent provided Progress Notes for 22 separate dates over 10 weeks, from September 15, 2014 to January 2, 2015. Respondent failed to provide the Board with medical records/progress notes for each prescription written (Respondent's prescriptions to Patient RH ranged from April 2012 to January 2015). In an interview with Board staff on October 22, 2015, Respondent claimed that she had misunderstood the subpoenas and that she had additional medical records for her ex-husband at her home. Respondent has not provided additional records.

13. Respondent's medical records for treatment she provided to RH show approximately 22 documented visits from September 15, 2014, through January 2, 2015. The majority of the progress notes are identical to the previous note and nowhere in the medical record does Respondent mention that she is the wife (or ex-wife) of the patient. Respondent's provision of mental health treatment to her husband/ex-husband (with whom she was still living) was in violation of the standard of care and a boundaries violation. Respondent's medical records for Patient RH fail to contain a record of all prescriptions authorized by Respondent for Patient RH or provider visits related to those prescriptions. [Footnote: The standard of care requires that nurse practitioners avoid treating family or any other individual with whom the nurse has a relationship that affects the nurse's ability to use independent, objective, and sound nursing judgment.]

14. On or about January 16, 2015, the Vice President of Human Resources at Southwest Behavioral Health Services ("SBH") reported to the Board that their health insurance carrier, Mayo Clinic Health Solutions, advised that Respondent rendered services to her husband/ex-husband with whom she was still living, which is not permissible, and billed for those services, via her private practice. According to Mayo Clinic Health Solutions documentation, Respondent billed the insurance company for approximately 21 service dates between September 15, 2014, and November 23, 2014. Several claims were denied, as services
provided to family/self are ineligible. Subsequently, Respondent re-
submitted claims for some of the same service dates; however, the
service codes were changed. Respondent initially billed for Behavioral
Health Office Visits, then Respondent billed for Home Health
Consultations. On or about March 26, 2015, Respondent wrote that
Noreen Williams, her account representative, filed the claims in error.
Respondent said she believes she acted in good faith, under her scope of
practice and did not commit fraud or a criminal act. Respondent also
provided a copy of a letter written by her and dated March 3, 2015,
addressed to Southwest Behavioral Health Services purportedly from
"Noreen William" [sic], Psyquel Account Representative. The letter
states the claims were filed in error. Ms. Williams was contacted by
Board staff and confirmed that she did not write the letter that
Respondent provided to the Board.
15. On or about August 6, 2013, and January 29, 2014, Respondent
exceeded her scope of a Psychiatric Mental Health Nurse Practitioner
(PMHNP) by prescribing Phentermine to her husband/ex-husband
(Patient RH). Respondent acted outside of the scope of her advanced
practice certification when she prescribed 90 tablets of Phentermine (on
August 6, 2013), 90 tablets of Phentermine (on January 30, 2014), and
180 tablets of Phentermine (on November 25, 2011) to her husband/ex-
husband (Patient RH). Respondent's treatment of Patient RH with
Phentermine fell below the standard of care, which requires that a nurse
practitioner maintain a medical record. Respondent failed to maintain a
medical record related to the August 6, 2013, or January 29, 2014,
prescriptions for Patient RH. The standard of care for prescribing
Phentermine requires that Phentermine be used only as part of a program
that included diet, physical activity, and behavior therapy; that the
provider instruct the patient to return for follow-up visits 2-4 weeks after
starting the medication, then monthly for 3 months; and that the provider
provide follow-up monitoring weight, blood pressure, and pulse.
Respondent failed to meet any of the standards of care in her treatment
of Patient RH because she did not maintain patient records for all visits,
and for the November 23, 2014, visit, she did not document that any of
these requirements were meet. Additionally, on or about November 23
or 25, 2014, Respondent prescribed Phentermine 37.5mg twice daily to
her husband/ex-husband (Patient RH) in excess of the recommended
daily maximum dose of 35mg daily. Respondent prescribed Phentermine
at double the recommended dose in a patient with a diagnosis of anxiety
and complaining of anxiety symptoms. The standard of care prohibits
prescribing Phentermine for patients with anxiety, like Patient RH, as it
may increase anxiety. Respondent additionally notes a 49 pound weight
loss in 5-weeks (between November 23, 2014, and January 2, 2015),
which is such a significant, accelerated weight loss, that it is either
inaccurate documentation, or cause for significant concern and in
violation of the standard of care, which would require a medical
counseling that Respondent failed to obtain. [Footnotes deleted.]
16. On or about October 20, 2015, during an interview with Board staff,
Respondent told Board staff after her July 13, 2013, domestic violence
arrest, she obtained counseling for approximately four to six months
with Psychologist Nikki Brodsky-Jones, PhD. As a result, Board staff
subpoenaed Respondent's counseling records. On or about November 4,
2015 Board staff received a call from Nikki Brodsky-Jones, PhD. Dr.
Brodsky-Jones said she did not recall ever meeting nor does she have
any records for Respondent.
17. On or about June 1, 2015, Respondent applied for licensure as a
Registered Nurse, without exam, to the Hawaii Board of Nursing
("Hawaii Board"). Respondent answered, "No to the question that asked:
5. Are you presently being investigated or is any disciplinary action
pending against you? Respondent should have answered, "Yes" and
disclosed the Board's current investigation. Board staff had already
mailed Respondent four questionnaires, one August 15, 2013, two
January 28, 2014 and one May 5, 2015, advising of each complaint, and
Respondent had returned three questionnaires, before she submitted the
Hawaii Board application. Respondent failed to return the fourth
questionnaire; however, Respondent returned the form to requesting a
copy of the complaint. Respondent signed and dated the application, on
or about May 25, 2015, certifying that the statements, answers, and
representation made in the application and in the documents attached are
ture and correct.

V. ALLEGED VIOLATIONS
1. The Board has the authority to regulate and control the practice of
nursing in the State of Arizona, pursuant to A.R.S. §§ 32-1606, 32-1663,
32-1664, and 41-1092.11 (B). The Board also has the authority, pursuant
to A.R.S. § 32-1663 and A.R.S. § 32-1664, to impose disciplinary
sanctions against the holders of nursing licenses/certified nursing
assistants for violations of the Nurse Practice Act, A.R.S. §§ 32-1601
through 1669, and A.A C. R4-19-101 to R-19-815. If the Board
determines that a licensee has committed unprofessional conduct, it may
take disciplinary action.
2. The conduct and circumstances described in paragraphs 9, 10, and 17
of the Factual Allegations constitute unprofessional conduct pursuant to
A.R.S.§32-1601 (22)(a) Committing fraud or deceit in obtaining,
attending to obtain or renewing a license or certificate issued pursuant
this chapter), and is grounds for disciplinary action pursuant to A.R.S.
§ 32- 1663 and § 32-1664. [Footnote deleted.]
3. The conduct and circumstances described in paragraphs 1-17 of the
Factual Allegations constitute unprofessional conduct pursuant to A.R.S.
§ 32-1601(22)(d)(any conduct or practice that is or might be harmful or
dangerous to the health of a patient or the public), and is grounds for
disciplinary action pursuant to A.R.S. § 32-1663 and § 32-1664. [Footnote deleted.]

4. The conduct and circumstances described in paragraphs 1-4 of the Factual Allegations constitute unprofessional conduct pursuant to A.R.S. § 32-1601(22)(e) (Being mentally incompetent or physically unsafe to a degree that is or might be harmful or dangerous to the health of a patient or the public) and is grounds for disciplinary action pursuant to A.R.S. § 32-1663 and § 32-1664. [Footnote deleted.]

5. The conduct and circumstances described in paragraphs 5-10, 12, 14, and 16-17 of the Factual Allegations constitute unprofessional conduct pursuant to A.R.S. § 32-1601(22)(h) (Committing an act that deceives, defrauds or harms the public.), and is grounds for disciplinary action pursuant to A.R.S. § 32-1663 and § 32-1664. [Footnote deleted.]

6. The conduct and circumstances described in paragraphs 1-17 of the Factual Allegations constitute unprofessional conduct pursuant to A.R.S. § 32-1601 (22)(U) (violating a rule that is adopted by the Board), and is grounds for disciplinary action pursuant to A.R.S. § 32-1663 and § 32-1664. [Footnote deleted.]

7. For purposes of A.R.S. § 32-1601(18)(d) (effective 09/30/09) and A.R.S. § 32-1601(22)(d) (effective 08/02/12), the conduct described in the Factual Allegations, specifically paragraphs 5-15 and 17, constitutes a conduct or practice that is or might be harmful to the health of a patient or the public pursuant to A.A.C. R4-19-403(1)(A pattern of failure to maintain minimum standards of acceptable and prevailing nursing practice).

8. For purposes of A.R.S. § 32-1601(18)(d) (effective 09/30/09) and A.R.S. § 32-1601(22)(d) (effective 08/02/12), the conduct described in the Factual Allegations, specifically paragraphs 1-3, 5, and 11-15, constitutes a conduct or practice that is or might be harmful to the health of a patient or the public pursuant to A.A.C. R4-19-403(3)(Failing to maintain professional boundaries or engaging in a dual relationship with a patient, resident, or any family member of a patient or resident). [Footnotes: "Failure to maintain professional boundaries" means any conduct or behavior of a nurse or CNA that, regardless of the nurse's or CNA's intention, is likely to lessen the benefit of care to a patient or resident or a patient's or resident's family or places the patient, resident, or the patient's or resident's family at risk of being exploited financially, emotionally, or sexually. A.A.C. R4-19-101. "Dual relationship" means a nurse or CAN simultaneously engages in both a professional and nonprofessional relationship with a patient or resident that is avoidable, non-incidental, and results in the patient being exploited financially, emotionally, or sexually.]

9. For purposes of A.R.S. § 32-1601(18)(d) (effective 09/30/09) and A.R.S. § 32-1601(22)(d) (effective 08/02/12), the conduct described in the Factual Allegations, specifically paragraphs 11-15, constitutes a conduct or practice that is or might be harmful to the health of a patient.
or the public pursuant to A.A.C. R4-19-403(7)(Failing to maintain for a patient record that accurately reflects the nursing assessment, care, treatment, and other nursing services provided to the patient).

10. For purposes of A.R.S. § 32-1601(18)(d) (effective 09/30/09) and A.R.S. § 32-1601(22)(d) (effective 08/02/12), the conduct described in the Factual Allegations, specifically paragraph 6-7 and 13-14, constitutes a conduct or practice that is or might be harmful to the health of a patient or the public pursuant to A.A.C. R4-19-403(8)(a) (Falsifying or making a materially incorrect, inconsistent, or unintelligible entry in any record regarding a patient, health care facility, school, institution, or other work place location.

11. For purposes of A.R.S. § 32-1601 (18)(d) (effective 09/30/09) and A.R.S. § 32-1601(22)(d) (effective 08/02/12), the conduct described in the Factual Allegations, specifically paragraphs 5 and 11-15, constitutes a conduct or practice that is or might be harmful to the health of a patient or the public pursuant to A.A.C. R4-19-403(9)(Failing to take appropriate action to safeguard a patient's welfare or follow policies and procedures of the nurse's employer designed to safeguard the patient).

12. For purposes of A.R.S. § 32-1601(22)(d) (effective 08/02/12), the conduct described in the Factual Allegations, specifically paragraph 15, constitutes a conduct or practice that is or might be harmful to the health of a patient or the public pursuant to A.A.C. R4-19-403(12) (Assuming patient care responsibilities that the nurse lacks the education to perform, for which the nurse has failed to maintain nursing competence, or that are outside the scope of practice of the nurse).

13. For purposes of A.R.S. § 32-1601 (22)(d) (effective 08/02/12), the conduct described in the Factual Allegations, specifically paragraphs 9-10 and 17, constitutes a conduct or practice that is or might be harmful to the health of a patient or the public pursuant to A.A.C. R4-19-403(20) (Engaging in fraud, misrepresentation, or deceit in taking a licensing examination or on an initial or renewal application for a license or certificate).

14. For purposes of A.R.S. § 32-1601(22)(d) (effective 08/02/12), the conduct described in the Factual Allegations, specifically paragraphs 6 and 7, constitutes a conduct or practice that is or might be harmful to the health of a patient or the public pursuant to A.A.C. R4-19-403 (23)(Advertising the practice of nursing with untruthful or misleading statements).

15. For purposes of A.R.S. § 32-1601(22)(d) (effective 08/02/12), the conduct described in the Factual Allegations, specifically paragraphs 5, 8, and 14, constitutes a conduct or practice that is or might be harmful to the health of a patient or the public pursuant to A.A.C. R4-19-403 (26)(Making a written false or inaccurate statement to the Board or the Board's designee in the course of an investigation).
16. For purposes of A.R.S. § 32-1601(22)(d) (effective 08/02/12), the conduct described in the Factual Allegations, specifically paragraph 6, constitutes a conduct or practice that is or might be harmful to the health of a patient or the public pursuant to A.A C. R4-19-403(27) (Making a false or misleading statement on a nursing or health care related employment or credential application concerning previous employment, employment experience, education, or credentials).

17. For purposes of A.R.S. § 32-1601 (18)(d) (effective 09/30/09) and A.R.S. § 32-1601(22)(d) (effective 08/02/12), the conduct described in the Factual Allegations, specifically paragraphs 1-3, 11-13, and 15, constitutes a conduct or practice that is or might be harmful to the health of a patient or the public pursuant to A.A C. R4-19-403(30)( For a registered nurse granted prescribing privileges, any act prohibited under R4-19-511(D).

18. For purposes of A.R.S. § 32-1601 (18)(d) (effective 09/30/09) and A.R.S. § 32-1601(22)(d) (effective 08/02/12), the conduct described in the Factual Allegations, specifically paragraphs 5-15 and 17, constitutes a conduct or practice that is or might be harmful to the health of a patient or the public pursuant to A.A C. R4-19-403(31)(Practicing in any other manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed).

19. The conduct described in the Factual Allegations, specifically paragraphs 11-15, constitutes a violation of R4-19-511(C), which states that an RNP shall not prescribe or dispense drugs or devices without Board authority or in a manner inconsistent with law. The Board may impose an administrative or civil penalty for each violation, suspend the RNP's P & D authority, or impose other sanctions under A.RS. § 32-1606(C). In determining the appropriate sanction, the Board shall consider factors such as the number of violations, the severity of each violation, and the potential for or existence of patient harm.

20. For purposes of A.R.S. § 32-1601 (18)(d) (effective 09/30/09) and A.R.S. § 32-1601(22)(d) (effective 08/02/12), the conduct described in the Factual Allegations, specifically paragraphs 1-3, 11, and 15 constitutes a conduct or practice that is or might be harmful to the health of a patient or the public pursuant to A.A C. R4-19-511(D)(1)(Prescribing a controlled substance to one's self or a member of the nurse's family).

21. For purposes of A.R.S. § 32-1601(18)(d) (effective 09/30/09) and A.R.S. § 32-1601(22)(d) (effective 08/02/12), the conduct described in the Factual Allegations, specifically paragraphs 1-3, 11-13, and 15, constitutes a conduct or practice that is or might be harmful to the health of a patient or the public pursuant to A.A C. R4-19-511(D)(5)(Prescribing, dispensing, or furnishing a prescription drug or a prescription-only device to a person unless the nurse has examined the person and established a professional relationship).
3. At the time of the hearing, the Board was represented by an Assistant Attorney General. Although additional time was allowed for Respondent to appear, no one appeared on her behalf.

4. The Board offered evidence and testimony in support of the allegations set forth in the Notice of Hearing. Because Respondent failed to appear at the hearing, little to no evidence exists in the record to dispute the allegations.

CONCLUSIONS OF LAW

1. The Board has the authority to regulate and control the practice of nursing in the State of Arizona, pursuant to A.R.S. §§ 32-1606, 32-1663, 32-1664, and 41-1092.11(B). The Board also has the authority, pursuant to A.R.S. § 32-1663 and A.R.S. § 32-1664, to impose disciplinary sanctions against the holders of nursing licenses/certified nursing assistants for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 through 1669, and A.A.C. R4-19-101 to R-19-815. If the Board determines that a licensee has committed unprofessional conduct, it may take disciplinary action. The Board has the burden of proof and the standard of proof on all issues is by a preponderance of the evidence. See A.R.S. 41-1092.07(G).

2. Arizona law defines unprofessional conduct in the nursing profession at A.R.S. §32-1601(22), which provides as follows:

"Unprofessional conduct" includes the following, whether occurring in this state or elsewhere:
(a) Committing fraud or deceit in obtaining, attempting to obtain or renewing a license or a certificate issued pursuant to this chapter.
(d) Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public.
(e) Being mentally incompetent or physically unsafe to a degree that is or might be harmful or dangerous to the health of a patient or the public.
(h) Committing an act that deceives, defrauds or harms the public.
(j) Violating this chapter or a rule that is adopted by the board pursuant to this chapter.

3. A.A.C. R4-19-403 further describes unprofessional conduct as noted in the Notice of Hearing. Respondent's above-noted conduct constitutes unprofessional conduct pursuant to A.RS. § 32-1601(22)(a), (d), (e), (h), and (j) and A.A.C. R4-19-403(1), (3), (7), (8), (9), (12), (20), (23), (26), (27), (30) and (31).

4. A.R.S. § 32-1663\(^2\) provides as follows:

A. If an applicant for licensure or certification commits an act of unprofessional conduct, the board, after an investigation, may deny the application or take other disciplinary action.

B. In its denial order, the board shall immediately invalidate any temporary license or certificate issued to the applicant.

C. Any person aggrieved by an order of the board issued under the authority granted by subsection A of this section may request an administrative hearing pursuant to title 41, chapter 6, article 10.

D. If the board finds, after affording an opportunity to request an administrative hearing pursuant to title 41, chapter 6, article 10, that a person who holds a license or certificate issued pursuant to this chapter has committed an act of unprofessional conduct, it may take disciplinary action.

E. If the board finds after giving the person an opportunity to request an administrative hearing pursuant to title 41, chapter 6, article 10 that a nurse who practices in this state and is licensed by another jurisdiction pursuant to section 32-1668 committed an act of unprofessional conduct, the board may limit, suspend or revoke the privilege of that nurse to practice in this state.

F. If the board determines pursuant to an investigation that reasonable grounds exist to discipline a person pursuant to subsection D or E of this section, the board may serve on the licensee or certificate holder a written notice that states:

1. That the board has sufficient evidence that, if not rebutted or explained, will justify the board in taking disciplinary actions allowed by this chapter.

2. The nature of the allegations asserted and that cites the specific statutes or rules violated.

3. That unless the licensee or certificate holder submits a written request for a hearing within thirty days after service of the notice by certified mail, the board may consider the allegations admitted and may take any disciplinary action allowed pursuant to this chapter without conducting a hearing.

G. If the state board of nursing acts to modify any registered nurse practitioner's prescription writing privileges, it shall immediately notify the state board of pharmacy of the modification.

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\(^2\) See also A.R.S. §§ 32-1606, and 32-1664 for the Board's disciplinary authority.
5. Commensurate with the Board's authority to take disciplinary action, the Administrative Law Judge finds that the Board's proposal to revoke Respondent's licenses is appropriate.

ORDER

In view of the Findings of Fact and Conclusions of Law, the Board issues the following Order:

Pursuant to A.R.S. § 32-1664(N), the Board REVOkses Registered License No.RN151776; Advanced Practice Certificate No. AP4387; School Nurse Certificate No. SN1019 (expired 7/31/12) and Practical Nurse License No. LP042913 (expired 4/1/11) issued to Sukanlaya Hughes.

RIGHT TO PETITION FOR REHEARING OR REVIEW

Pursuant to A.R.S. § 41-1092.09, Respondent may file, in writing, a motion for rehearing or review within 30 days after service of this decision with the Arizona State Board of Nursing. The motion for rehearing or review shall be made to the attention of Hearing Department, Arizona State Board of Nursing, 4747 North 7th Street Ste 200, Phoenix AZ 85014-3655, and must set forth legally sufficient reasons for granting a rehearing. A.A.C. R4-19-608.

For answers to questions regarding a rehearing, contact the Hearing Department at (602) 771-7844. Pursuant to A.R.S. § 41-1092.09(B), if Respondent fails to file a motion for rehearing or review within 30 days after service of this decision, Respondent shall be prohibited from seeking judicial review of this decision.

This decision is effective upon expiration of the time for filing a request for rehearing or review, or upon denial of such request, whichever is later, as mandated in A.A.C. R4-19-609.

Respondent may apply for reinstatement of the said license pursuant to A.A.C. R4-19-404 after a period of five years. Respondent may apply for reinstatement of said certificate pursuant to A.A.C. R4-19-815 after a period of five years

DATED this 18th day of November, 2016.
ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour, R.N., M.N., F.A.A.N
Executive Director

COPIES mailed this 21st day of November, 2016, by Certified Mail No. 011 3500 0001 4894 7848 and First Class Mail to:

Sukanlaya Hughes

COPIES of the foregoing mailed this 21st day of November, 2016, to:

Case Management
Office of Administrative Hearings
1400 W Washington Ste 101
Phoenix AZ 85007

Elizabeth Campbell
Assistant Attorney General
1275 W Washington CIV/LES Section
Phoenix AZ 85007

By: T. Smith