



## Ohio Board of Nursing

[www.nursing.ohio.gov](http://www.nursing.ohio.gov)

17 S. High Street, Suite 660 • Columbus, Ohio 43215-3466 • 614-466-3947

May 20, 2021

### NOTICE OF OPPORTUNITY FOR HEARING

Tina R. King, R.N.



Dear Ms. King:

In accordance with Chapter 119, Ohio Revised Code (ORC), you are hereby notified that the Ohio Board of Nursing (Board) proposes under authority of Section 4723.28, ORC, to deny or permanently deny your application to reactivate your license to practice nursing in the State of Ohio as a registered nurse; revoke, permanently 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 13, 2020, while working as the Director of Nursing at Montefiore of Menorah Park (Montefiore), Beachwood, Ohio, you and another nurse were assigned to collect specimens for Covid-19 testing from patients located in the Mandel-3 unit. Despite arriving for your shift at 04:42, you submitted lab requisition forms documenting that from 03:58 to 04:42 you had collected Covid-19 specimens from Patients #1-24 identified on the attached Patient Key (*to remain confidential and not subject to disclosure*).

Section 4723.28(B)(19), ORC, authorizes the Board to discipline a licensee for failure to practice in accordance with acceptable and prevailing standards of safe nursing care. Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Rule 4723-4-06(G), Ohio Administrative Code (OAC), states that a licensed nurse shall not falsify any patient record or any other document prepared or utilized in the course of, or in conjunction with, nursing practice. This includes, but is not limited to, case management documents or reports or time records, reports, and other documents related to billing for nursing services. Rule 4723-4-06(H), OAC, states that a licensed nurse shall implement measures to promote a safe environment for each patient.

1. On or about October 13, 2020, you and another nurse submitted specimens for Covid-19 testing that you documented were collected, via nasopharyngeal or anterior nares swab, from Patients #1-33 on Mandel-3 at Montefiore, beginning at 3:58am and ending at 5:10am (a time when patients are typically sleeping and would have needed to be awakened for this testing). Despite this:
  - a. You were not observed on the Mandel-3 unit until approximately 5:00am, when you entered an office and remained for

approximately 30 minutes, until leaving the office and Mandel-3 unit with a bag full of vials;

- b. You were not observed entering/leaving patient rooms from 3:58am to 5:10am;
- c. The facility administrator stated that on October 13, 2020, you stated to him that the patients were not actually tested.

All of the 33 specimens you purportedly collected tested “negative” for Covid-19, despite some of the 33 patients having Covid-19 symptoms, and/or testing positive for Covid-19 within the week

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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.

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: **Hearing Requests/Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 660, Columbus, OH 43215-3466**, or to the email address, [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 or permanently deny your application to reactivate your license to practice nursing in the State of Ohio as a registered nurse; revoke, permanently revoke, suspend or place restrictions on your license to practice

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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,

A handwritten signature in black ink that reads "Patricia A. Sharpnack DNP, RN." The signature is written in a cursive, flowing style.

Patricia A. Sharpnack, D.N.P., R.N.  
Supervising Member

Certified Mail Receipt No. 7020 0640 0000 2996 5422

Attorneys Certified Mail Receipt No. 7020 0640 0000 2996 5439

cc: James T. Wakley, Principal Assistant Attorney General  
Attorneys Rachel Sindell and Steven Sindell, Esq.