

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN NURSING

In the Matter of  
**TRACEY SILKWOOD WALKER**  
RN2283171  
LIC. EXP. DATE 3/23/2014

**NUR-2013-0235**

FINAL DECISION AND ORDER BY DEFAULT

On July 17, 2014, the Board of Registration in Nursing ("Board") issued and duly served on Tracey Silkwood Walker ("Respondent"), an Order to Show Cause ("Show Cause Order")<sup>1</sup> related to a complaint filed regarding Respondent's license. In addition to stating the allegations against Respondent, the Show Cause Order notified Respondent that an Answer to the Show Cause Order ("Answer") was to be submitted within 21 days of receipt of the Show Cause Order<sup>2</sup>. The Show Cause Order also notified Respondent of the right to request a hearing on the allegations<sup>3</sup>, and that any hearing request ("Request for Hearing") was to be submitted within 21 days of receipt of the Show Cause Order.<sup>4</sup> Respondent was further notified that failure to submit an Answer within 21 days "shall result in the entry of default in the above-captioned matter" and, if defaulted, "the Board may enter a Final Decision and Order that assumes the truth of the allegations in the Show Cause Order and may revoke, suspend, or take other disciplinary action against [Respondent's] license...including any right to renew [Respondent's] license." A copy of the Show Cause Order is attached to this Final Decision and Order by Default and is incorporated herein by reference.

As of the date of this Final Decision and Order by Default, Respondent has failed to file either an Answer or a Request for Hearing.

The Board has afforded Respondent an opportunity for a full and fair hearing on the allegations in the Show Cause Order as required by M.G.L. c. 30A, s. 10, and

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<sup>1</sup> Pursuant to 801 CMR 1.01(6)(a).

<sup>2</sup> In accordance with 801 CMR 1.01(6)(d)(2).

<sup>3</sup> Pursuant to M.G.L. c. 112, s. 61.

<sup>4</sup> Respondent was also notified that failure to timely submit a Request for Hearing would constitute a waiver of the right to a hearing.

sufficient notice of the issues involved to afford Respondent reasonable opportunity to prepare and present evidence and argument as required by M.G.L. c. 30A, s. 11(1). The Board has also notified Respondent of the obligation under 801 CMR 1.01(6)(d) to file an Answer to the Show Cause Order within 21 days of its receipt and of the consequences of failing to file an Answer or otherwise respond.

As authorized by M.G.L. c. 30A, s. 10(2), the Board may make informal disposition of any adjudicatory proceeding by default. Upon default, the allegations of the complaint against Respondent are accepted as true. *Danca Corp. v. Raytheon Co.*, 28 Mass. App. Ct. 942, 943 (1990).

Based on the foregoing, the Board enters a default in the above-captioned matter and, consequently, the allegations in the Order to Show Cause are deemed to be true and Respondent has waived the right to be heard. In accordance with the Board's authority and statutory mandate, the Board orders as follows:

#### ORDER

Based on its Final Decision by Default, the Board Revokes Respondent's Right to Renew her license to practice as a Registered Nurse in Massachusetts, RN License No. 2283171.

If Respondent renews her license to practice as a Registered Nurse in Massachusetts before the Effective Date of this Final Decision and Order by Default, the Board Revokes said license, RN License No. 2283171.

Respondent is hereby ordered to return any nursing license issued to her by the Board, whether current or expired, to the Board's office at 239 Causeway Street, Boston, Massachusetts 02114, by hand or by certified mail, within five (5) days of the Effective Date set forth below.

Respondent shall not practice as a Registered Nurse in Massachusetts on or after the Effective Date of this Order. "Practice as a Registered Nurse" includes, but is not limited to, seeking and accepting a paid or voluntary position as a Registered Nurse or in

any way representing herself as a Registered Nurse in Massachusetts. The Board shall refer any evidence of unlicensed practice to appropriate law enforcement authorities for prosecution as provided by G.L. c. 112, §§ 65 and 80.

Respondent may petition the Board for relicensure in writing at such time as she is able to provide documentation satisfactory to the Board that demonstrates her ability to practice nursing in a safe and competent manner. Such documentation shall include, but may not be limited to, the following:

- 1) certified Court and/or Agency documentation that there are no pending actions or obligations, criminal or administrative, against the Respondent before any court or Administrative Agency including, but not limited to:
  - a. Documentation that *at least one (1) year prior to any petition for reinstatement* the Respondent satisfactorily completed all court requirements (including probation) imposed on her in connection with any criminal matter and a description of those completed requirements and/or the disposition of such matters;<sup>5</sup> and
  - b. Certified documentation from the Michigan Board of Nursing verifying that the Respondent successfully met all requirements imposed by the Michigan Board in connection with their discipline of her nursing licenses and that her Michigan license is, or is eligible to be, reinstated in good standing and free of any restrictions or conditions.<sup>6</sup>
- 2) if employed during the year immediately preceding Respondent's petition for

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<sup>5</sup> The Respondent shall also provide, if requested, an authorization for the Board to obtain a Criminal Offender Record Information (CORI) Report of the Respondent conducted by the Massachusetts Criminal History Systems Board and a sworn written statement that there are no pending actions or obligations, criminal or administrative, against the Respondent before any court or administrative body in any other jurisdiction.

<sup>6</sup> Respondent shall also submit certified documentation from the state board of nursing of each jurisdiction in which the Respondent has ever been licensed to practice as a nurse, other than Michigan, sent directly to the Massachusetts Board, identifying her license status and discipline history, and verifying that her nursing license is, or is eligible to be, in good standing and free of any restrictions or conditions.

relicensure, have each employer from said year submit on official letterhead an evaluation reviewing Respondent's attendance, general reliability, and overall job performance;<sup>7</sup>

- 3) reports from Respondent's primary care provider and any specialist(s) whom Respondent may have consulted verifying that Respondent is medically able to resume the safe and competent practice of nursing, which meets the requirements set forth in Attachment B 1
- 4) Documentation of her successful completion of all continuing education equivalent to the continuing education required by Board regulations for the two (2) license renewal cycles immediately preceding any request for suspension termination.

The Board's approval of Respondent's petition for relicensure may be conditioned upon, and immediately followed by, probation of Respondent's nursing license for a period of time, as well as other restrictions and requirements that the Board may then determine are reasonably necessary in the best interests of the public health, safety, and welfare.

The Board may choose to relicense Respondent if the Board determines that relicensure is in the best interests of the public at large.

The Board voted to adopt the within Final Decision by Default at its meeting held on September 10, 2014, by the following vote: **In favor:** Anthony Alley, BSN, RN, M. Beal, RN/NM, P. Gales, RN, K. Gehly, RN, S. Kelly, RN/NP, J. Killion, LPN, B. Levin, RN, E. Richard Rothmund, C. Simonian, PharmD, R.Ph., C. Tebaldi, RN, MS, **Opposed:** None **Abstained:** None **Absent:** S. Taylor, MSN, RN, Cheryl Urena, LPN, A. Peckham, RN, MSN

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<sup>7</sup> If Respondent wasn't employed at all during this period, submit an affidavit so attesting.

The Board voted to adopt the within Order by Default at its meeting held on September 10, 2014, by the following vote: **In favor:** Anthony Alley, BSN, RN, M. Beal, RN/NM, P. Gales, RN, K. Gehly, RN, S. Kelly, RN/NP, J. Killion, LPN, B. Levin, RN, E. Richard Rothmund, C. Simonian, PharmD, R.Ph., C. Tebaldi, RN, MS, **Opposed:** None **Abstained:** None **Absent:** S. Taylor, MSN, RN, Cheryl Urena, LPN, A. Peckham, RN, MSN

EFFECTIVE DATE OF ORDER

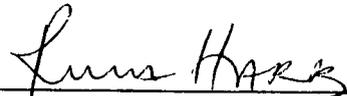
This Final Decision and Order by Default becomes effective upon the tenth (10<sup>th</sup>) day from the date it is issued (see "Date Issued" below).

RIGHT TO APPEAL

Respondent is hereby notified of the right to appeal this Final Decision and Order by Default to the Supreme Judicial Court within thirty (30) days of receipt of notice of this Final Decision pursuant to M.G.L. c. 112, § 64.

Board of Registration in Nursing

Date Issued: September 16, 2014

  
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Rula Harb, MSN, RN

Executive Director

Notified:

VIA FIRST CLASS AND CERTIFIED MAIL RETURN  
RECEIPT REQUESTED NO.7012 3460 0001 7331 4266

Tracey Silkwood Walker  
2027A Sunset Circle  
Poplar Bluff, MO 63901

VIA FIRST CLASS AND CERTIFIED MAIL RETURN  
RECEIPT REQUESTED NO.7012 3460 0001 7331 4273

Tracey Silkwood Walker  
12423 North Country Club Drive  
Charlevoix, MI 49720

BY HAND DELIVERY

Beth A. Oldmixon, Esq.  
Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN NURSING

In the Matter of  
**TRACEY SILKWOOD WALKER**  
RN2283171  
LIC. EXP. DATE 3/23/2014

**NUR-2013-0235**

ORDER TO SHOW CAUSE

Tracey Silkwood Walker, you are hereby ordered to appear and show cause why the Massachusetts Board of Registration in Nursing ("Board") should not suspend, revoke or otherwise take action against your license to practice as a Registered Nurse ("RN") in the Commonwealth of Massachusetts, License No. 2283171, including your right to renew such license, pursuant to Massachusetts General Laws (G. L.) Chapter 112, § 61 and Board regulation 244 CMR 9.03, based upon the following facts and allegations:

**FACTUAL ALLEGATIONS**

1. On or about January 10, 2013, the Board issued to you a license to engage in the practice of nursing as a Registered Nurse in the Commonwealth of Massachusetts, License No. 2283171. Your license expired on March 23, 2014 and to date has not been renewed.
2. On or about July 11, 2013, while licensed to practice as an RN in Massachusetts, the Michigan Board of Nursing suspended your license to practice as a Registered Nurse in Michigan for a minimum of six months and one day. The suspension of your Michigan license was based on findings that you were observed to be impaired while on duty, as detailed in the Consent Order and Administrative Complaint, a copy of which is attached hereto as Exhibit A and incorporated into this Order to Show Cause ("OTSC") by reference.
3. To date, your Michigan license has not been reinstated.
4. Your conduct, and the resulting discipline to your Michigan nursing license, warrants disciplinary action by the Board against your license to practice as an RN pursuant to G.L. c. 112, § 61 for deceit, malpractice, and gross misconduct in the practice of the profession and for offenses against the laws of the Commonwealth relating thereto.
5. On or about April 10, 2014, while licensed to practice as an RN in Massachusetts, the Rhode Island Board of Nurse Registration and Nursing Education suspended your license to practice as an RN in Rhode Island indefinitely, as a result of the suspension imposed by the Michigan Board of Nursing.

## LEGAL BASIS FOR DISCIPLINE

- A. Your conduct, and the resulting discipline to your Rhode Island nursing license, warrants disciplinary action by the Board against your license to practice as an RN pursuant to G.L. c. 112, § 61 for deceit, malpractice, and gross misconduct in the practice of the profession and for offenses against the laws of the Commonwealth relating thereto.
- B. Your conduct, and the resulting discipline to your Michigan nursing license, warrants disciplinary action by the Board against your license to practice as an RN pursuant to Board regulation 244 CMR 9.03 for violation of Standards of Conduct for Nurses, namely:
1. 244 CMR 9.03 (5) for failing to engage in the practice of nursing in accordance with accepted standards of practice;
  2. 244 CMR 9.03(36) for practicing while impaired; and
  3. 244 CMR 9.03 (47) for engaging in any other conduct that fails to conform to accepted standards of nursing practice or in any behavior that is likely to have an adverse effect upon the health, safety, or welfare of the public.
- C. Your conduct, and the resulting discipline to your Rhode Island nursing license, warrants disciplinary action by the Board against your license to practice as an RN pursuant to Board regulation 244 CMR 9.03 for violation of Standards of Conduct for Nurses, namely:
1. 244 CMR 9.03 (47) for engaging in any other conduct that fails to conform to accepted standards of nursing practice or in any behavior that is likely to have an adverse effect upon the health, safety, or welfare of the public.
- D. Your conduct, and the resulting discipline to your Michigan nursing license, warrants disciplinary action by the Board against your license to practice as an RN pursuant to Massachusetts case law. *See, Anusavice v. Board of Registration in Dentistry*, 451 Mass. 786 (2008).
- E. Your conduct, and the resulting discipline to your Rhode Island nursing license, warrants disciplinary action by the Board against your license to practice as an RN pursuant to Massachusetts case law. *See, Anusavice v. Board of Registration in Dentistry*, 451 Mass. 786 (2008).
- F. Your conduct, and the resulting discipline to your Michigan nursing license, also constitutes unprofessional conduct and conduct that undermines public confidence in the integrity of the nursing profession. *Sugarman v. Board of Registration in Medicine*, 422 Mass. 338, 342 (1996); *see also Kvitka v. Board of Registration in*

*Medicine*, 407 Mass. 140, cert. denied, 498 U.S. 823 (1990); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708, 713 (1982).

- G. Your conduct, and the resulting discipline to your Rhode Island nursing license, also constitutes unprofessional conduct and conduct that undermines public confidence in the integrity of the nursing profession. *Sugarman v. Board of Registration in Medicine*, 422 Mass. 338, 342 (1996); see also *Kvitka v. Board of Registration in Medicine*, 407 Mass. 140, cert. denied, 498 U.S. 823 (1990); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708, 713 (1982).

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You have a right to an adjudicatory hearing ("hearing") on the allegations contained in the Order to Show Cause before the Board determines whether to suspend, revoke, or impose other discipline against your license. G.L. c. 112, § 61. Your right to a hearing may be claimed by submitting a written request for a hearing *within twenty-one (21) days of receipt of this Order to Show Cause*. You must also submit an Answer to this Order to Show Cause in accordance with 801 CMR 1.01(6)(d) *within twenty-one (21) days of receipt of this Order to Show Cause*. The Board will give you prior written notice of the time and place of the hearing following receipt of a written request for a hearing.

Hearings shall be conducted in accordance with the State Administrative Procedure Act, G.L. c. 30A, §§ 10 and 11, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 and 1.03, under which you are granted certain rights including, but not limited to, the rights: to a hearing, to secure legal counsel or another representative to represent your interests, to call and examine witnesses, to cross-examine witnesses who testify against you, to testify on your own behalf, to introduce evidence, and to make arguments in support of your position.

The Board will make an audio recording of any hearing conducted in the captioned matter. In the event that you wish to appeal a final decision of the Board, it is incumbent on you to supply a reviewing court with a "proper record" of the proceeding, which may include a written transcript. *New Bedford Gas and Light Co. v. Board of Assessors of Dartmouth*, 368 Mass. 745, 749-750 (1975). Upon request, the Board will make available a copy of the audio recording of the proceeding at your own expense. Pursuant to 801 CMR 1.01(10)(i)(1), upon motion, you "may be allowed to provide a public stenographer to transcribe the proceedings at [your] own expense upon terms ordered by the Presiding Officer." Those terms may include a requirement that any copy of the transcript produced must be sent immediately upon completion, and on an ongoing basis, directly to the Presiding Officer by the stenographer or transcription service. The transcript will be made available to the Prosecutor representing the Board. Please note that the administrative record of the proceedings, including, but not limited to, the written transcript of the hearing, is a public record and subject to the provisions of G.L. c. 4 § 7 and G.L. c. 66, §10.

Your failure to submit a written request for a hearing within twenty-one (21) days of receipt of this Order to Show Cause *shall constitute a waiver of the right to a hearing* on the allegations herein and on any Board disciplinary action. Your failure to submit an Answer to the Order to Show Cause within twenty-one (21) days of receipt of the Order to Show Cause *shall result in the entry of default* in the captioned matter.

Notwithstanding the earlier filing of an Answer and/or request for a hearing, your failure to respond to notices or correspondence, your failure to appear for any scheduled status conference, pre-hearing conference or hearing dates, or your failure to otherwise defend this action shall result in the entry of default.

**If you are defaulted, the Board may enter a Final Decision and Order that assumes the truth of the allegations in this Order to Show Cause, and may revoke, suspend, or take other disciplinary action against your license to practice nursing in the Commonwealth of Massachusetts, including any right to renew your license.**

Your Answer to the Order to Show Cause and your written request for a hearing must be filed with Beth A. Oldmixon, Prosecuting Counsel, at the following address:

Beth A. Oldmixon, Esq.  
Prosecuting Counsel  
Department of Public Health  
Office of the General Counsel, 5<sup>th</sup> Floor  
239 Causeway Street  
Boston, MA 02114

You or your representative may examine Board records relative to this case prior to the date of the hearing during regular business hours at the office of the Prosecuting Counsel. If you elect to undertake such an examination, then please contact Prosecuting Counsel in advance at (617) 973-0923 to schedule a time that is mutually convenient.

BOARD OF REGISTRATION IN NURSING,  
Rula F. Harb, MSN, RN  
Executive Director

By: Beth A. Oldmixon  
Beth A. Oldmixon, Esq.  
Prosecuting Counsel  
Department of Public Health

July 17, 2014

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Cover Letter, Order to Show Cause and Certificate of Service was served upon the Respondent at:

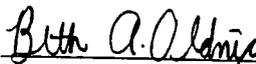
Tracey Silkwood Walker  
12423 North Country Club Drive  
Charlevoix, MI 49720

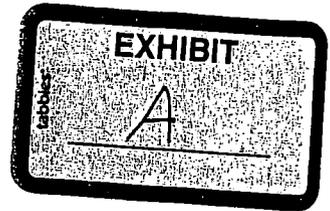
by first class mail, postage prepaid, and by Certified Mail No. 7014 0510 0001 0374 5789  
this 17th day of July, 2014

and upon the Respondent at:

Tracey Silkwood Walker  
2027A Sunset Circle  
Poplar Bluff, MO 63901

by first class mail, postage prepaid, and by Certified Mail No. 7014 0510 0001 0374 5819  
this 17th day of July, 2014

  
\_\_\_\_\_  
Beth A. Oldmixon  
Prosecuting Counsel



STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF HEALTH CARE SERVICES  
BOARD OF NURSING  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

TRACEY SILKWOOD WALKER, R.N.  
License Number: 47-04-188575

File Number: 47-12-127063  
CONSENT ORDER AND STIPULATION

CONSENT ORDER

WHEREAS, an Administrative Complaint, hereafter Complaint, was issued on January 16, 2013, charging Tracey Silkwood Walker, R.N., hereafter Respondent, with having violated sections 16221(a), 16221(b)(ii), and 16221(b)(iii) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; and

WHEREAS, Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Public Health Code; and

WHEREAS, the Disciplinary Subcommittee of the Michigan Board of Nursing, hereafter Disciplinary Subcommittee, has reviewed the Stipulation and, based upon the matters asserted therein, agrees that the public interest is best served by resolution of the outstanding Complaint; now, therefore,

IT IS HEREBY FOUND that the facts alleged in the Complaint are true and constitute violations of sections 16221(a), 16221(b)(ii), and 16221(b)(iii) of the Public Health Code, supra.

Accordingly,

IT IS HEREBY ORDERED that for the cited violations of the Public Health Code, Respondent's license to practice as a registered nurse in the state of Michigan is SUSPENDED for a minimum period of six months and one day, commencing on the effective date of this Order.

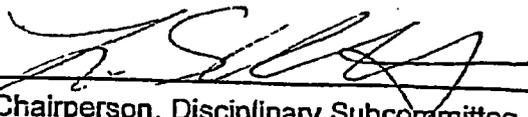
IT IS FURTHER ORDERED that reinstatement of a license which has been suspended for more than six months is not automatic and, in the event Respondent applies for reinstatement of the license, application for reinstatement may be made not sooner than 90 days prior to the end of the suspension period and shall be in accordance with sections 16245 and 16247 of the Public Health Code, supra. Further, in support of the application for reinstatement Respondent shall supply clear and convincing evidence to the Michigan Board of Nursing, hereafter Board, that Respondent is of good moral character, is able to practice the profession with reasonable skill and safety, that it is in the public interest for Respondent to resume practice, and that Respondent has met the guidelines for reinstatement adopted by the Department of Licensing and Regulatory Affairs, hereafter Department.

IT IS FURTHER ORDERED in the event Respondent violates any provision of this order, the Disciplinary Subcommittee may proceed to take disciplinary action pursuant to 1996 AACRS, R 338.1632 and section 16221(h) of the Public Health Code, supra.

IT IS FURTHER ORDERED that this Order shall be effective on the date signed by the Disciplinary Subcommittee, as set forth below.

Dated: 7/4/13

MICHIGAN BOARD OF NURSING

By:   
Chairperson, Disciplinary Subcommittee

STIPULATION

1. The facts alleged in the Complaint dated January 16, 2013, are true and constitute violations of section 16221(a), 16221(b)(ii), and 16221(b)(iii) of the Public Health Code, supra.

2. Respondent understands and intends that by signing this Stipulation Respondent is waving the right, pursuant to the Public Health Code, the rules promulgated thereafter, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq, to required the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondent is waving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.

3. Factors taken into consideration in the formulation of the within Consent Order are as follows:

Respondent stated she will be living out-of-state until 2014 due to her husband having surgery and being in

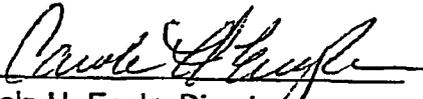
rehabilitation. Respondent opted for a six month and one day suspension of her license, so that she has an opportunity for reinstatement of the license in the future if her circumstances change.

Respondent has been licensed in Michigan since 1992 with no prior disciplinary action taken against her license.

4. The foregoing Consent Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Disciplinary Subcommittee in this cause.

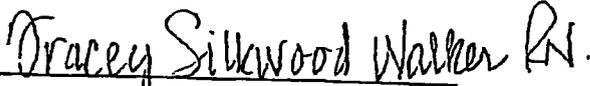
5. The foregoing proposal is conditioned upon acceptance by the Disciplinary Subcommittee, Respondent and the Department expressly reserving the right to further proceedings without prejudice should the Consent Order be rejected.

AGREED TO BY:

  
Carole H. Engle, Director  
Bureau of Health Care Services  
Department of Licensing and  
Regulatory Affairs

Dated: 6-20-13

AGREED TO BY:

  
Tracey Silkwood Walker, R.N.  
Respondent

Dated: May 24, 2013

This is the last and final page of a Consent Order and Stipulation in the matter of Tracey Silkwood Walker, R.N., File Number 47-12-127063, before the Disciplinary Subcommittee of the Michigan Board of Nursing, consisting of four pages, this page included.

DWC

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF HEALTH CARE SERVICES  
BOARD OF NURSING  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

TRACEY SILKWOOD WALKER, R.N.  
License Number: 47-04-188575

File Number: 47-12-127063

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Licensing and Regulatory Affairs, hereafter Complainant, by Carole H. Engle, Director, Bureau of Health Care Services, and files this complaint against Tracey Silkwood Walker, R.N., hereafter Respondent, alleging upon information and belief as follows:

1. The Michigan Board of Nursing, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.

2. Respondent is currently licensed to practice as a registered nurse in the state of Michigan.

3. Section 6107(3) of the Public Health Code, supra, defines substance abuse as:

The taking of alcohol or other drugs at dosages that place an individual's social, economic, psychological, and physical welfare in potential hazard or to the extent that an individual loses the power of self-control as a result of the use of alcohol or drugs, or while habitually under the influence of alcohol or drugs, endangers public health, morals, safety, or welfare, or a combination thereof.

4. On October 1, 2011, while employed as a registered nurse at Northern Michigan Regional Hospital, hereafter facility, in Petoskey, Michigan, facility administrators suspected that Respondent reported to work under the influence of alcohol. Respondent submitted to an alcohol saliva test at the facility which determined that she had a blood alcohol content of 0.30 g/ml. The facility subsequently referred Respondent to the Health Professional Recovery Program, hereafter HPRP.

5. On October 4, 2011, Respondent completed an intake evaluation with the HPRP and admitted that she abused alcohol. Subsequently, the HPRP directed Respondent to undergo a substance abuse/mental health evaluation, for possible non-disciplinary treatment monitoring, if appropriate.

6. On October 13, 2011, Respondent underwent an evaluation and was diagnosed with alcohol dependence; anxiety disorder, not otherwise specified; and depressive disorder, not otherwise specified. Further, Respondent submitted a preliminary breath test which determined that she had a blood alcohol content of 0.105 g/ml.

7. On December 12, 2011, Respondent entered into a three year, dual diagnosis, non-disciplinary HPRP monitoring agreement. The terms of the monitoring

agreement required, in part, that Respondent abstain from the use of mood-altering substances, submit to random urine drug screens, and attend individual and group therapy sessions.

8. On January 30, 2012, Respondent's therapist determined that Respondent was safe to practice as a nurse with no restrictions.

9. On April 4, 2012, Respondent submitted to a random urine drug screen which tested positive for ethylglucuronide. Subsequently, the HPRP determined that Respondent was not safe to practice as a nurse, and directed Respondent to enter into intensive outpatient treatment.

10. On April 18, 2012, May 31, 2012, and June 6, 2012, Respondent submitted to random urine drug screens which tested positive for ethylglucuronide. Subsequently, the HPRP directed Respondent to enter into inpatient substance abuse treatment due to her multiple relapses.

11. On June 13, 2012, Respondent entered into an inpatient substance abuse treatment program.

12. On August 14, 2012, Respondent submitted to a random urine drug screen that resulted with compromised integrity levels, suggesting adulteration.

13. On August 16, 2012, Respondent's therapist determined that Respondent was safe to practice as a nurse without access to controlled substances.

14. On September 20, 2012, Respondent requested that the HPRP close her file due to financial constraints. Consequently, on October 18, 2012, the HPRP closed Respondent's file for non-compliance and forwarded the file to Complainant for disposition.

COUNT I

Respondent's conduct, as set forth above, evidences a conduct, practice, or condition, which impairs, or may impair, the ability to safely and skillfully practice the health profession, in violation of section 16221(a) of the Public Health Code, supra.

COUNT II

Respondent's conduct, as set forth above, evidences substance abuse, in violation of section 16221(b)(ii) of the Public Health Code, supra.

COUNT III

Respondent's conduct, as set forth above, indicates that Respondent suffers from a mental or physical inability reasonably related to and adversely affecting Respondent's ability to practice in a safe and competent manner, in violation of section 16221(b)(iii) of the Public Health Code, supra.

WHEREFORE, Complainant requests that the within Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this Complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Carole H. Engle, Director, Bureau of Health Care Services, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

DATED:

*January 16, 2013*

  
Carole H. Engle, Director  
Bureau of Health Care Services

This is the last and final page of an Administrative Complaint in the matter of Tracey Silkwood Walker, R.N., File Number 47-12-127063, before the Disciplinary Subcommittee of the Michigan Board of Nursing, consisting of five pages, this page included.

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