

**SETTLEMENT AGREEMENT BETWEEN MISSOURI STATE BOARD
OF NURSING AND DANYELLE RENE HOFF, RN 2006021102**

Case Number 2016-003742

Come now Danyelle Hoff (“Licensee”) and the Missouri State Board of Nursing (“Board”) and enter into this Settlement Agreement for the purpose of resolving the question of whether Licensee's license to practice as a registered professional nurse will be subject to discipline.

Pursuant to the terms of §536.060 RSMo, the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the Board under §621.110 RSMo, and stipulate and agree that a final disposition of this matter may be effectuated as described herein.

Licensee acknowledges that she understands the various rights and privileges afforded her by law, including the right to a hearing of the charges against her; the right to appear and be represented by legal counsel; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against her; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against her and, subsequently, the right to a disciplinary hearing before the Board at which time she may present evidence in mitigation of discipline; and the right to potentially recover attorney's fees incurred in defending this action against her license. Being aware of these rights provided her by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document, as they pertain to her.

Licensee acknowledges that she has received a copy of the investigative report and other documents relied upon by the Board in determining there was cause for discipline, along with

citations to law and/or regulations the Board believes were violated. For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this Settlement Agreement are true and stipulates with the Board that Licensee's license to practice as a registered professional nurse, license number RN 2006021102, is subject to disciplinary action by the Board in accordance with the provisions of Chapter 335, RSMo.

Joint Stipulation of Facts

1. The State Board of Nursing ("Board") is an agency of the State of Missouri created and established pursuant to § 335.021 RSMo, for the purpose of executing and enforcing provisions of Chapter 335, RSMo, the Nursing Practice Act.

2. Danyelle Hoff ("Licensee") is licensed by the Board as a registered professional nurse, license number RN 2006021102. Licensee's license is current and active and was so at all times relevant herein.

3. At all times relevant herein, Licensee was employed as a registered nurse at Barnes Jewish Hospital ("Barnes") in St. Louis, Missouri.

4. On May 27, 2016, Licensee called Schnucks Pharmacy ("Schnucks") in St. Louis, Missouri and requested a prescription for Ativan be filled, on behalf of a co-worker using Dr. G. E.'s DEA number and address.

5. The pharmacy contacted the prescribing physician, Dr. G.E., regarding the prescription.

6. Licensee violated Barnes' policy as she did not have the authorization from Dr. G.E. to call in the prescription of Ativan for her co-worker.

7. When questioned by Barnes officials, Licensee admitted that she had not received authorization from Dr. G.E. to call in a prescription for her co-worker.

8. Licensee was terminated from Barnes on June 3, 2016.
9. Licensee's conduct, as described herein, constitutes misconduct, misrepresentation, unethical conduct, and unprofessional conduct in the performance of the functions and duties of a nurse.
10. Licensee's conduct, as described herein, constitutes a violation of a professional trust or confidence.

Joint Conclusions of Law

1. Cause exists for the Board to take disciplinary action against Licensee's license under §335.066.2 (6) and (13) RSMo, which states in pertinent part:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 335.011 to 335.096 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(6) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter.....;

(13) Violation of any professional trust or confidence[.]

Joint Agreed Disciplinary Order

1. Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of § 621.045.4, RSMo.

2. Licensee's license to practice as a registered professional nurse in the State of Missouri, License Number RN 2006021102 is **PUBLICLY CENSURED**.

3. The Board will maintain this Settlement Agreement as an open and public record of the Board as required by law. The Board will report this Settlement Agreement to data banks, other appropriate entities and in its newsletter. This is a disciplinary action against licensee's license. The original of this document shall be kept in the Board's file and its contents shall be disclosed to the public upon proper request.

4. The terms of this Settlement Agreement are contractual, legally enforceable and binding, not merely recital. Except as otherwise contained herein, neither this Settlement Agreement nor any of its provisions may be changed, waived, discharged or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge or termination is sought.

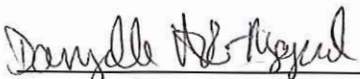
5. Licensee, together with her heirs and assigns and her attorney(s), do hereby waive, release, acquit and forever discharge the Board, its respective members and any of its employees, agents or attorneys, including any former Board members, employees, agents and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses and compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement or from the negotiation or execution of its settlement. Licensee acknowledges that this paragraph is severable from the remaining portions of this Settlement Agreement in that it survives in perpetuity even in the event that any court of law deems this Settlement Agreement or any portion thereof void or unenforceable.

6. Licensee understands that she may, either at the time the Settlement Agreement is signed by all parties or within fifteen (15) days thereafter, submit the agreement to the

Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for disciplining Licensee's license. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit her request to: Administrative Hearing Commission, Truman State Office Building, P.O. Box 1557, Jefferson City, Missouri 65102.

7. If Licensee requests review, this Settlement Agreement shall become effective on the date the Administrative Hearing Commission issues its order finding that the Settlement Agreement sets forth cause for disciplining Licensee's license. If Licensee does not request review by the Administrative Hearing Commission, the Settlement Agreement goes in to effect 15 days after the document is signed by the Executive Director of the Board.

LICENSEE




Danyelle Rene Hoff
RN 2006021102

Date 1/20/2018

Complaint No 2016-003742.

BOARD



Lori Scheidt
Executive Director
State Board of Nursing

Date 2-2-2018

EFFECTIVE
DATE

2/17/18
MISSOURI BOARD OF NURSING