

BEFORE THE TENNESSEE BOARD OF NURSING

In The Matter of:)
)
KACY L. MINNEAR)
L.P.N. License No. 73778) Case No. 201901480
)
Respondent)

CONSENT ORDER

The State of Tennessee, by and through the Office of General Counsel and the Respondent, Kacy L. Minnear, L.P.N., (Respondent), hereby stipulate and agree, subject to approval by the Tennessee Board of Nursing (Board), to the following:

I. Authority and Jurisdiction

The Board regulates and supervises nurses licensed to practice pursuant to Tennessee Code Annotated Section (TENN. CODE ANN. §) 63-7-101, *et seq.* (Code), including the discipline of licensees, as well as those who are required to be licensed, who violate the Code and the Rules promulgated by the Board, Official Compilation of Rules and Regulations of the State of Tennessee (TENN. COMP. R. & REGS.), 1000-02-.01, *et seq.* (Rules). The Board enforces the Code and Rules to promote and protect the health, safety and welfare of the public; accordingly, it is the policy of the Board to require strict compliance with the law and to apply the law to preserve the quality of nursing care provided in Tennessee.

II. Stipulations of Fact

1. Respondent has been at all times pertinent hereto licensed by the Board as a practical nurse in the State of Tennessee, having been granted license number 73778 on September 23, 2008, which currently has an expiration date of September 30, 2020. Respondent's practical nurse license is active and bears a multistate privilege to practice nursing in states which have entered into the Interstate Nurse Licensure Compact.

2. From 2014 until April 2019, Respondent was a co-owner of SkinDeep Medical Spa in Cookeville, Tennessee. Respondent during this entire time was a Licensed Practical Nurse (LPN), and at no time was she licensed in Tennessee or elsewhere as a Registered Nurse (RN).

3. During the previously stated time period, Respondent intentionally signed invoices and other documents with the designation "RN" after her name for SkinDeep Medical Spa.

4. Respondent informed employees and patients that she was a registered nurse, when she did not hold that license

III. Stipulated Grounds for Discipline

The Stipulations of Fact are sufficient to establish that Respondent has violated TENN. CODE ANN. § 63-7-101, *et seq.*, for which disciplinary action by the Board is authorized.

5. The facts stipulated in paragraphs three (3) and four (4) constitute a violation of TENN. CODE ANN. § 63-7-115(a)(1):

(F) Is guilty of unprofessional conduct;

6. The facts stipulated in paragraphs three (3) and four (4) constitute proof of Rule 1000-02-.13(1) of the TENN. COMP. R. & REGS., which defines "unprofessional conduct, unfitness or incompetency by reason of negligence, habits or other cause" as including, but not limited to:

(h) Impersonating another licensed practitioner;

(v) Engaging in acts of dishonesty which relate to the practice of nursing.

IV. Stipulated Disposition

7. Respondent's license to practice as a nurse in Tennessee, pursuant to the authority vested in the Board under TENN. CODE ANN. §§ 63-7-115 and 116, shall be and is hereby immediately placed on **PROBATION** on the following terms and conditions:

A. The period of probation of Respondent's license shall run until completion of twenty (20) hours Continuing Education Units (CEUs), with ten hours in person. Up to ten hours may

be completed online, including the class “Righting a Wrong: Ethics and Professionalism in Nursing” offered by the NCSBN and including “Everyday Ethics” offered by nurses.com. The probation shall be in effect until Respondent completes all CEUs, but in no event shall the period of probation be less than one (1) year. Respondent’s multistate privilege to practice in any other party state shall remain **VOIDED** until such time as Respondent’s license is no longer on probation.

8. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

V. Representations of Respondent

9. Respondent understands and admits the allegations, charges, and stipulations in this Order.

10. Respondent understands the rights found in the Code, Rules, and the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 thru 4-5-404, including the right to a hearing, the right to appear personally and by legal counsel, the right to confront and to cross-examine witnesses who would testify against Respondent, the right to testify and to present evidence on Respondent’s own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, as well as the right to appeal for judicial review. Respondent voluntarily waives these rights in order to avoid further administrative action.

11. Respondent agrees that presentation of this Order to the Board and the Board’s consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members become prejudiced requiring their disqualification from hearing this matter should this Order not be ratified. All matters, admissions, and statements disclosed during the attempted ratification process shall not be used against the Respondent in any

subsequent proceeding unless independently entered into evidence or introduced as admissions.

12. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.

13. Respondent also agrees that the Board may issue this Order without further process. If the Board rejects this Order for any reason, it will be of no force or effect for either party.

14. Respondent agrees that she has not received any threats or promises of any kind by the State or any agent or representative thereof, except such as is detailed herein.

VI. Notice

15. The discipline in this Order is formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB).

16. Respondent shall provide proof of completion of the CEUs to the State of Tennessee. Any submission must include the Respondent's name and the case numbers, 201901420 and 201901321, and shall be mailed or delivered to:

**Office of Investigations
Attn: Disciplinary Coordinator
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

17. A **violation** of this Order shall constitute a **separate violation**, pursuant to TENN. CODE ANN. § 63-7-115(a)(1)(C), and is grounds for further disciplinary action by the Board, including revocation of Respondent's license.

APPROVED FOR ENTRY:

Kacy Minnear

Kacy Minnear
L.P.N. License No. 73778
Respondent

9/19/2019
DATE

Robert J. Kraemer, Jr.

Robert J. Kraemer, Jr., Esq.
(BPR #:006746)
Counsel for Respondent
1209 Cedarbend Drive
Mt. Juliet, Tennessee 37122

9/19/2019
DATE

Mark Cole

Mark Cole (BPR #: 020020)
Assistant General Counsel
Tennessee Department of Health
Office of General Counsel
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243
(615) 741-1611

10/24/19
DATE

Approval by the Board

Upon the agreement of the parties and the record as a whole, this **CONSENT ORDER** was approved as a **FINAL ORDER** by a majority of a quorum of the Tennessee Board of Nursing at a public meeting of the Board and signed this 24th day of October, 2019.

ACCORDINGLY, IT IS ORDERED that the agreements of the parties will, and hereby do, become the Final Order of the Board.

Juanita Lunnisreed
Chairperson/Acting Chairperson

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Kacy J. Minnear, C/o Robert J. Kraemer, Jr., 1209 Cedarbend Drive, Mt. Juliet, Tennessee 37122, by delivering same in the United States regular mail and United States certified mail, number 7018 3090 0002 0150 9755, return receipt requested, with sufficient postage thereon to reach its destination.

This 25th day of October, 2019.

Mark Cole

Mark Cole
Assistant General Counsel