

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LORRAINE L. MULCAHY, R.N.

**CONSENT ORDER**

After an Informal Conference held on February 14, 1989, pursuant to §§ 54.1-110 and 54.1-3010 of the Code of Virginia (1950), as amended, which conference was properly noticed and attended by the parties hereto, the Virginia Board of Nursing and Lorraine L. Mulcahy, R.N., enter into the following Consent Order.

**FINDINGS OF FACT**

1. Lorraine L. Mulcahy, R.N., holds License No. 0001-087320, issued by the Virginia Board of Nursing.
2. On divers occasions, between on or about June, 1987 and February 19, 1988, during the course of her employment at Virginia Beach General Hospital, Virginia Beach, Virginia, she diverted Demerol, a Schedule II controlled substance, for her own personal, unauthorized use.
3. During the course of this alleged diversion, she falsified certain hospital and patient records, in that she signed out Demerol for patients to whom she did not, in fact, administer the drug.

4. From February 27, 1988 to July 24, 1988, she received intensive treatment at The Harbours Rehabilitative Center, Portsmouth, Virginia, with a diagnosis of mixed chemical dependency. She subsequently entered into a two-year outpatient aftercare program.

5. Since approximately July, 1988, to present, she has been in outpatient counseling with the Center for Addictive Behavior, Virginia Beach, Virginia.

6. By her testimony before the Special Conference Committee, she states her sobriety date to be April 6, 1988. She attends Caduceus regularly and Alcoholics Anonymous and Narcotics Anonymous meetings four times weekly.

7. According to Dr. Robert Campbell, Ms. Mulcahy has submitted to numerous random drug screens, all of which have been negative.

8. On December 7, 1988, she was convicted in the Circuit Court of Virginia Beach, Virginia, on two felony counts of falsification of information. She was sentenced to six months in jail on each count, suspended, and placed on unsupervised probation for one year.

#### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that Lorraine L. Mulcahy, R.N., has violated §§ 54.1-3007 (2), (4) and (5) of the Code of Virginia (1950), as amended.

CONSENT

Lorraine L. Mulcahy, R.N., by affixing her signature hereon, agrees to the following:

1. She acknowledges that she has been specifically advised to seek advice of counsel prior to signing this document;

2. She acknowledges that she is fully aware that, without her consent, no legal action can be taken against her, except pursuant to the Virginia Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia (1950), as amended;

3. She acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and the right to cross examine witnesses against her;

4. She waives all such rights to a formal hearing;

5. She admits to the above Findings of Fact; and

6. She consents to the entry of the following Order affecting her license to practice nursing in the Commonwealth of Virginia.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that License No. 0001-087320, issued to Lorraine L. Mulcahy, R.N., to practice professional nursing in the Commonwealth of Virginia, be placed on PROBATION with the following terms and conditions:

1. The probationary period shall commence on the date of entry of this Consent Order and will end upon completion of two (2) years of employment as a Registered Nurse.

2. Ms. Mulcahy shall inform the Board of any change of employment including the name and address of the new employer as well as the date she began work. She shall inform the Board of any interruption in nursing practice.

3. Ms. Mulcahy shall inform her nursing employer and any prospective nursing employer that the Board has placed her license on probation. The Board may provide her employer with a copy of this Order and may communicate with her employer.

4. Ms. Mulcahy shall direct her nursing employer to submit a nursing performance evaluation to the Board every three months, the first evaluation to be submitted the third month following the date of entry of this Order and continuing every three months until the cessation of probation.

5. Ms. Mulcahy shall continue in treatment until discharged and shall direct the therapist to provide the Board with a quarterly progress report to include a diagnosis, recommended course of therapy, and prognosis. The therapist shall submit a discharge summary when appropriate. The Board may provide her therapist with a copy of this Order, and communicate with her therapist regarding her progress.

6. Ms. Mulcahy shall direct her therapist to notify the Board if she withdraws from the treatment program prior to discharge.

7. Ms. Mulcahy shall submit to supervised random drug screens and have all results sent to the Board quarterly. The first result shall be submitted to the Board the third month following the date of entry of this Order. Positive results shall be submitted immediately.

8. Ms. Mulcahy shall continue active participation in Alcoholics Anonymous and Caduceus, with progress reports submitted quarterly from her sponsors to the Board.

9. Ms. Mulcahy shall abstain from the use of alcohol and all mood altering chemicals except as prescribed by a physician with whom she has established a bona fide physician/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any controlled substances, a written report from the prescribing physician shall be submitted to the Board within ten (10) days of the prescribing thereof.

10. During the period of probation, Ms. Mulcahy shall submit quarterly reports to the Board which shall include her current address and current employment, if any. This report is due on June 30, 1989, and each quarter thereafter.

11. Ms. Mulcahy shall return all copies of her current license to practice professional nursing to the Board office within ten (10) days of the date of entry of this Consent Order. Upon receipt of the old license and a \$10.00 fee, the Board shall issue a new license marked PROBATION WITH TERMS.

12. Ms. Mulcahy shall maintain a course of conduct in her capacity as a Registered Nurse commensurate with the requirements of Title 54, Chapter 13.1 of the Code of Virginia (1950), as amended, and the Regulations of the Board of Nursing.

Any violation of the terms and conditions hereof shall constitute grounds for the revocation of the license of Lorraine L. Mulcahy, R.N., and a hearing shall be convened to determine whether her license shall be revoked.

Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

Clementine S. Pollok  
Clementine S. Pollok, R.N., Ph.D.  
President

Entered: July 25, 1989

Seen and Agreed to:

Lorraine L. Mulcahy  
Lorraine L. Mulcahy, R.N.

Subscribed and sworn to before me Denise M. Mettigs  
, a Notary Public in and for the  
City/County of Portsmouth, Commonwealth of Virginia,  
by Lorraine L. Mulcahy, R.N., this 22nd day of May  
1989.

My Commission expires: 6/2/92.

Denise M. Mettigs  
Notary Public

RECEIVED: July 26, 1989

BY: B. Henderson, Jr.  
Bernard L. Henderson, Jr., Director  
Department of Health Professions