

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: LILLIE DUBOIS, R.N.
License No.: 0001-190376**

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on August 11, 2014, in Henrico County, Virginia, to inquire into evidence that Lillie Dubois, R.N, may have violated certain laws and regulations governing professional nursing practice in Virginia. Ms. Dubois was present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Lillie Dubois, R.N., was issued License No. 0001-190376 to practice professional nursing in the Commonwealth of Virginia on June 10, 2004. Said license expires on March 31, 2015. Ms. Dubois’ primary state of residence is Virginia.
2. By letter dated July 15, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Dubois notifying her that an informal conference would be held on August 11, 2014. The Notice was sent by certified and first class mail to 2401 Rockwater Circle, Virginia Beach, Virginia, 23456, the address of record on file with the Board of Nursing.
3. In October 2013, during the course of her employment at Bon Secours DePaul Medical Center, Ms. Dubois removed medication, including oxycodone, from the facility and failed to account for its administration, wastage or return. Ms. Dubois resigned from DePaul following this incident. She had previously been employed with Sentara Virginia Beach General Hospital for approximately eight years. She

resigned from Sentara because she was unable to work without excessive absences due to her chronic back issues.

4. Ms. Dubois stated to the investigator for the Department of Health Professions, to her employers, and at the informal conference that she has an addiction problem. Ms. Dubois admitted that she became addicted to hydrocodone (Schedule III) while treating a chronic back pain issue dating back to 2006.

5. Ms. Dubois signed a Participation Contract with the Health Practitioners' Monitoring Program on November 13, 2013.

6. Ms. Dubois submitted a letter of resignation to the HPMP, and she was dismissed from the HPMP on May 16, 2014. Ms. Dubois cited financial hardship as her reason for withdrawing from the program. Until she stopped actively participating in the program and had decided to withdraw, all of her drug screens had been negative.

7. On June 24, 2014, Ms. Dubois entered a plea of guilty in the Circuit Court of the City of Norfolk, Virginia, to an amended felony charge of possession of Schedule I or II Controlled Substance. She was initially charged with Obtaining Drugs by Fraud, a felony. This proceeding stemmed from the incident in which Ms. Dubois removed medication from DePaul Medical Center. She was placed on first offender status and is scheduled to return to court on June 24, 2016. If she remains compliant with the terms of the court-ordered probation, the Court will dismiss the felony charge. The Court ordered Ms. Dubois to submit to a substance abuse evaluation, to submit to random drug and alcohol screens, to remain drug and alcohol free, to inform the Norfolk Community Services Board of any change of address, to make reasonable efforts to secure and maintain employment, to remain on good behavior for two years, to complete 100 hours of community service, to pay for the substance abuse evaluation, substance abuse treatment, and drug and alcohol testing, and to pay \$50.00 per month in restitution.

8. Ms. Dubois completed a 20-week Intensive Outpatient Program at the recommendation of HPMP in 2013-2014. She currently attends Alcoholics Anonymous twice a week and has a sponsor, to whom she speaks daily. She attends after-care once per week. She sees a counselor once a week and her psychiatrist once a month.

9. Ms. Dubois is currently under the care of Dominion Psychiatric Associates, Virginia Beach Virginia. Her physician stated in a May 7, 2014, letter to the Board that Ms. Dubois was taking Suboxone for addiction treatment. He further stated “she has been coming regularly since November 2013 and also goes to group here. She is compliant and motivated.”

10. Ms. Dubois reported her sobriety date as November 14, 2013.

11. Ms. Dubois currently takes Adderall, Trazodone, Suboxone and Celexa as prescribed.

12. Ms. Dubois is not currently employed as a professional nurse.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(5) and (6) of the Code.

2. Findings of Fact Nos. 4, 6, and 8 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS that Lillie Dubois, R.N., shall be placed on PROBATION for a period of two years of actual nursing practice and subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Dubois has completed two years of active practice in employment as a professional nurse (“practice employment”). The license of Ms. Dubois shall be reinstated without restriction at the completion of the probationary period without an administrative proceeding unless there is a pending investigation or unresolved allegation involving a violation of law, regulation, or any term or condition of probation. In that

event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.

2. Ms. Dubois shall have an evaluation by a mental health or chemical dependency specialist, other than her current treatment providers at Dominion Psychiatric Associates, satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 90 days from the date this Order is entered. Ms. Dubois shall comply with any recommendations of the specialist. If therapy is recommended, written progress reports by the therapist shall be sent to the Board until Ms. Dubois is discharged from therapy. Ms. Dubois shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

3. Ms. Dubois shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

4. Ms. Dubois shall be required to have one supervised, unannounced, random drug screens a quarter from a Board-approved testing entity, which include testing for alcohol and the following drugs of choice: opiates and sedatives. The Board shall be notified in writing if Ms. Dubois refuses to give a specimen for analysis as required by this Order, or of any positive results. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

5. Ms. Dubois shall attend Alcoholics Anonymous and/or Narcotics Anonymous and/or Caduceus recovery support groups or other groups acceptable to the Board two times per week and shall

have written evidence of attendance by a sponsor or contact person sent to the Board within ten days of each meeting.

6. Ms. Dubois shall request her court-appointed probation officer to provide the Board with a written report describing how she is meeting the conditions of her probation within 60 days from the date this Order is entered.

7. Ms. Dubois shall provide the Board with a certified true copy of her final court order placed on record by the Court upon completion of her probation.

8. Performance evaluations shall be provided to the Board, at the direction of Ms. Dubois, by all practice employer(s), using the forms provided by Compliance and available on the Board's website.

9. Ms. Dubois shall practice only in a structured/supervised practice employment setting satisfactory to the Board for the first two years of probation. This employment setting shall provide on-site supervision by a physician or licensed nurse practitioner or professional nurse who works the same shift on the same level of the building and holds an unrestricted license. For all current practice employment, and before beginning or changing practice employment during this period, Ms. Dubois shall have current and all prospective practice employers provide a written description of the employment setting to the Board for approval.

10. Ms. Dubois shall return all copies of her license to practice as a professional nurse to the Board within ten days of the date of entry of this Order, along with payment of a duplicate license fee as specified in the regulations governing nursing. Upon receipt, the Board shall issue a replacement professional nurse license marked "Valid in Virginia Only; Probation with Terms."

11. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) received in the Board office no later than 60 days

from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. Many of the required report forms are available on the Board's website for your convenience.

12. Ms. Dubois shall inform the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. Dubois shall provide a contact name, address, and phone number for each practice employer to the Board.

13. Ms. Dubois shall inform all current and future practice employers that the Board has placed her on probation under terms and conditions and Ms. Dubois shall provide each practice employer with a complete copy of this Order.

14. Ms. Dubois shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board, Compliance, and any treatment providers, court-appointed probation or parole officers, and any/or consultants designated by the Board, if applicable.

15. Ms. Dubois shall submit "Self-Reports" which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self Reports must be submitted whether Ms. Dubois has current practice employment or not.

16. Ms. Dubois shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code.

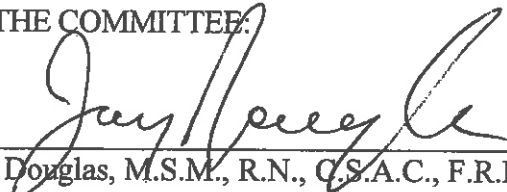
17. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Dubois, and an administrative hearing may be held to determine whether her license shall be suspended or revoked.

18. This Order is applicable to Ms. Dubois' multistate nursing licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Dubois shall not practice outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the express written permission of both the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing to the Executive Director of the Board.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Dubois may, not later than 5:00 p.m., on October 5, 2014, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:



Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director, Virginia Board of Nursing

ENTERED: September 2nd, 2014

This Order shall become final on October 5, 2014, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing