

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           CYNTHIA JEARMAN NASH, R.N.**  
**License Number: 0001-164503**  
**Case Number: 182115**

**ORDER OF SUMMARY SUSPENSION**


Pursuant to Virginia Code § 54.1-2408.1(A), a quorum of the Board of Nursing (“Board”) met by telephone conference call on October 3, 2017, after a good faith effort to convene a regular meeting of the Board had failed. The purpose of the meeting was to receive and act upon information indicating that Cynthia Jearman Nash, R.N., may have violated certain laws relating to the practice of nursing in the Commonwealth of Virginia, as more fully set forth in the attached “Notice of Formal Administrative Hearing and Statement of Allegations,” which is attached hereto and incorporated by reference herein.

WHEREUPON, pursuant to its authority under Virginia Code § 54.1-2408.1(A), the Board concludes that a substantial danger to public health or safety warrants this action and ORDERS that the license of Cynthia Jearman Nash, R.N., to practice professional nursing in the Commonwealth of Virginia is SUSPENDED. It is further ORDERED that a hearing be convened within a reasonable time of the date of entry of this Order to receive and act upon evidence in this matter.

This Order shall be applicable to Ms. Nash’s multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

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

ENTERED AND MAILED ON:

October 6, 2017

Certified True Copy

By dgraham  
Virginia Board Of Nursing

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: CYNTHIA JEARMAN NASH, R.N.**  
**License Number: 0001-164503**  
**Issue Date: September 22, 1999**  
**Expiration Date: April 30, 2018**  
**Case Number: 182115**

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**NOTICE OF FORMAL ADMINISTRATIVE HEARING  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing ("Board") regarding your license to practice professional nursing in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is a formal administrative hearing before a panel of the Board.
<b>DATE AND TIME:</b>	<b>November 16, 2017 1:00 P.M.</b>
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Suspend your license;
- Revoke your license.

**ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:**

If you fail to appear at the formal hearing, the Board may proceed to hear this matter in your absence and may take any of the actions outlined above.

**RESPONDENT'S LEGAL RIGHTS:**

You have the right to the information on which the Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

**COMMONWEALTH'S EXHIBITS:**

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the formal hearing.**

**FILING DEADLINES:**

1. Deadline for filing exhibits: **October 23, 2017**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **October 27, 2017**. If no objections have been received by **October 27, 2017**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **November 2, 2017**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions: **October 23, 2017**, addressed to Darlene Graham at the above address.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **October 23, 2017**. If you do not file objections by this date, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates on your case. If you do file objections, the Commonwealth has until **October 27, 2017** to file a response to the objections, in writing, and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion. NOTE: failure to object to the distribution of the Commonwealth's exhibits prior to the proceeding will not affect your right to contest any information contained in those exhibits at the proceeding.

**REQUEST FOR A CONTINUANCE:**

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **October 23, 2017** will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **October 23, 2017**.

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**STATEMENT OF ALLEGATIONS**

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The Board alleges that:

1. At all times relevant hereto, Cynthia Jearman Nash, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.
2. Cynthia Jearman Nash, R.N., violated Virginia Code § 54.1-3007(2), (5), (6) and (8) and 18 VAC 90-19-230(A)(2)(c), (e) and (f) of the Regulations Governing the Practice of Nursing in that on or about July 10, 2017, during the course of her employment with CJW Chippenham Medical Center, Richmond, Virginia, by her own admission, she diverted morphine (C-II) and Dilaudid (hydromorphone, C-II) from the amount ordered for Patient A, for her own personal and unauthorized use. Ms. Nash achieved this diversion by keeping the wastage of the morphine and administering 1.5 mg of Dilaudid to Patient A, who was ordered to receive 2 mg, and injecting herself with the remaining .5 mg of the Dilaudid. Further, Ms. Nash documented that she administered the medication for Patient A's ankle pain, when, in fact, the patient was being seen for abdominal pain.
3. Ms. Nash violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to mental illness and alcohol and substance abuse, as evidenced by the following:
  - a. By her own admission, Ms. Nash has struggled with alcohol her "whole life," and views herself as a "functioning alcoholic." On or about January 15, 2013, she was convicted of DWI, first offense, in the Chesterfield County, Virginia, General District Court.
  - b. On or about July 10, 2017, a for cause drug screen was performed on Ms. Nash which was positive for THC (C-I), opiates, including oxycodone (C-II) amphetamines and benzodiazepines.


c. On or about August 10, 2017, Ms. Nash submitted to a psychological evaluation which diagnosed her with posttraumatic stress disorder, depressive disorder and alcohol abuse.

d. On or about September 7, 2017, during an interview with the investigator for the Department of Health Professions, Ms. Nash admitted that she had been diverting morphine, Dilaudid, fentanyl 25 mg (C-II) and Toradol (C-IV) for approximately four months prior to being discovered. Ms. Nash admitted that she was self-medicating as a result of her intolerable hip and knee pain due to psoriatic arthritis.

e. Ms. Nash admitted to the investigator that she injected the medications that she diverted while at work; therefore, her drug screen was positive for opiates.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Nash's health records or health services.

See Confidential Attachment for the name of the patient referenced above.

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

October 6, 2017  
Date