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By [Signature]  
Virginia Board of Nursing



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COMMONWEALTH of VIRGINIA BD OF NURSING

David E. Brown, D.C.  
Director

Department of Health Professions  
Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367-4400  
FAX (804) 527-4475

November 1, 2017

Rachel Claire Uribe, L.P.N.  
1316 Goodman st.  
Chesapeake, VA 23321

DUPLICATE COPY  
VIA FIRST CLASS MAIL

DATE 11/1/17

RE: License Number: 0002-087288  
Case Number: 183760

Dear Ms. Uribe:

Pursuant to Virginia Code § 54.1-2409, you are hereby given notice that your right to renew your license to practice practical nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered October 31, 2017. You are hereby advised that you may not practice practical nursing or hold yourself out as a licensed practical nurse unless and until the Board of Nursing has notified you in writing that your license has been reinstated. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing ("Board"), at the above address, immediately upon receipt of this letter.

You may apply to the Board for reinstatement of your license, and you shall be entitled to a formal administrative hearing not later than the next regular meeting of the Board after the expiration of 60 days from the Board's receipt of your reinstatement application. The reinstatement of your license shall require the affirmative vote of three-fourths of the members of the Board present at the hearing. The reinstatement application can be found at [www.dhp.virginia.gov/Nursing](http://www.dhp.virginia.gov/Nursing).

If you have any questions about this matter, you can contact me at (804) 367-4474 or [anne.joseph@dhp.virginia.gov](mailto:anne.joseph@dhp.virginia.gov).

Sincerely,

[Signature: Anne Joseph]

Anne Joseph, Deputy Director  
Administrative Proceedings Division

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

**BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: RACHEL CLAIRE URIBE, L.P.N.**  
**License Number: 0002-087288**  
**Case Number: 183760**

**ORDER OF MANDATORY SUSPENSION**

In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the North Carolina Board of Nursing suspended the multistate licensure privilege of Rachel Claire Uribe, L.P.N., to practice practical nursing in the State of North Carolina. A certified copy of the Final Decision and Order is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the right of Rachel Claire Uribe, L.P.N., to renew her license to practice practical nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Rachel Claire Uribe, L.P.N., will be recorded as suspended. Should Ms. Uribe seek reinstatement of her license pursuant to Virginia Code § 54.1-2409, she shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

This Order shall be applicable to Ms. Uribe's multistate licensure privilege, if any, to practice practical nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code § 2.2-4023 and § 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.




\_\_\_\_\_  
David E. Brown, D.C., Director  
Virginia Department of Health Professions

ENTERED:

\_\_\_\_\_  
10/31/17

**CERTIFICATION OF DUPLICATE RECORDS**

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Final Decision and Order entered September 21, 2017, regarding Rachel Claire Uribe, L.P.N., is a true copy of the records received from the North Carolina Board of Nursing.

  
\_\_\_\_\_  
David E. Brown, D.C.

10/31/17  
\_\_\_\_\_  
Date



I certify that this is a true and accurate copy of its original and has been kept in the ordinary course of business at the office of the North Carolina Board of Nursing.

*John L. Rouse*

Executive Director of the Board

**BEFORE THE BOARD OF NURSING  
OF THE STATE OF NORTH CAROLINA**

**In the matter:**

**RACHEL URIBE  
LICENSED PRACTICAL NURSE  
VIRGINIA LICENSE NUMBER 0002087288**

**FINAL DECISION AND ORDER**

This matter was heard on August 31, 2017 by a hearing committee of the North Carolina Board of Nursing ("Board") pursuant to Article 9A, Chapter 90 of the North Carolina General Statutes and Article 3A, Chapter 150B of the North Carolina General Statutes and Title 21, Chapter 36 of the North Carolina Administrative Code Section .0217. Board members present for the Hearing Committee ("Committee") were: Mary Jones, LPN, Presiding Officer; Martha Ann Harrell, Public Member; and Frank Demarco, RN. The Board was assisted and advised by Administrative Law Counsel Paul Flick. Prosecuting attorney for the Board was Meredith Parris. Rachel Uribe ("Licensee") was not present.

Based upon the evidence presented and the argument of counsel, the Board enters the following:

**FINDINGS OF FACT**

1. The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 9A, Chapter 90 of the North Carolina General Statutes.
2. Licensee is the holder of Virginia Multistate Licensed Practical Nurse License Number 0002087288, which expired on October 31, 2016.
3. In December 2015, Licensee was employed by SteadFast Medical Staffing Agency and was assigned to Creekside Care and Rehabilitation Center ("Creekside") located in Ahoskie, North Carolina when concerns of diversion of controlled substances were identified. Staff reported controlled substances had been signed out by Licensee for residents that did not typically request medications.
4. Evelyn May, Administrator for Creekside, was contacted by the director of nursing when an alert resident had complained that she had not gotten her medication though it had been documented as administered by Licensee. Ms. May initiated an investigation, talked with the resident, and began looking at the documentation of medication administration of Licensee.
5. A limited accountability audit of ten (10) residents' records was conducted by the facility staff for the months of October, November, and December 2015. The audit revealed



Licensee failed to properly document administration of twenty-seven (27) of her thirty-five (35) controlled substance transactions, including clonazepam, hydrocodone, and oxycodone.

6. Board staff conducted an audit of these ten (10) residents' records cared for by Licensee for the months of October, November, and December 2015. In nine (9) of ten (10) records, Licensee signed on the declining Controlled Drug Administration Records that she had pulled the medication without documenting on the Medication Administration Record that the medication had been administered. This occurred twenty-seven (27) times out of thirty-five (35) transactions. Additionally, in reviewing these residents' records, these residents were not regularly receiving opioids other than when Licensee worked. The drugs at issue were oxycodone, hydrocodone, and clonazepam.

7. Board staff made numerous attempts to contact Licensee by telephone, regular mail, electronic mail, and certified mail to the numbers and addresses of record at the Board during the investigation. Licensee did not respond to requests for an interview; however, she did e-mail Board staff denying these allegations.

8. On or about March 29, 2017, a Letter of Charges and an offer of resolution were sent via certified mail return receipt requested to Licensee at the address of record with the Board to 1316 Goodman Street, Chesapeake, Virginia.

9. On or about June 21, 2017, a Notice of Hearing was sent via certified mail return receipt requested to the address of record at the Board in compliance with the Rules of Civil Procedure. Licensee signed the return receipt for the mailing.

10. At the August 31, 2017 hearing, Board witnesses were as follows:

- a. Evelyn May, Administrator, Creekside Care and Rehabilitation Center; and
- b. Angie Matthes, Manager of Investigations, Board of Nursing.

11. Licensee did not appear nor did any witnesses testify on her behalf.

12. At the hearing, the following exhibits were presented and admitted into evidence without objection on behalf of the Board:

- a. Notice of Hearing;
- b. Patient Records;
- c. Audit; and
- d. Letter of Charges.

13. No exhibits were presented on behalf of Licensee.

## CONCLUSIONS OF LAW

1. The Notice of Hearing was served in accordance with N.C. Gen. Stat. §150B-38. This matter is properly before the Board, and the Board has jurisdiction over Licensee and the subject matter of this case.
2. Pursuant to the provisions of N.C. Gen. Stat. §90-171.37 and §150B the Board is vested with the power and authority to revoke or suspend a license to practice nursing and invoke other such disciplinary measures such as censure or probative terms against a licensee as it deems fit and proper in furtherance of its duty to protect the public.
3. Licensee has violated the provisions of Article 9A of the Nursing Practice Act and the rules enacted by the Board in 21 N.C. Admin. Code 36 .0217(c) within the meaning of N.C. Gen. Stat. §90-171.37(8) and grounds exist under those sections of the North Carolina Statutes for the Board and rules promulgated there under to revoke or suspend a license to practice nursing and invoke other such disciplinary measures against a license as it deems fit and proper.
4. Licensee failed to maintain an accurate record for each client which records all pertinent health care information as defined in Rule .0225(f)(2) within the meaning of 21 N.C. Admin. Code 36 .0217(c)(11) and grounds exist under that section of the North Carolina Administrative Code for the Board to revoke or suspend a license to practice nursing and invoke other such disciplinary measures against the license as it deems fit and proper.
5. Licensee failed to verify the proper administration and disposal of controlled substances through her documentation within the meaning of 21 N.C. Admin. Code 36 .0225(f)(2)(E) and grounds exist under that section of the North Carolina Administrative Code for the Board to revoke or suspend a license to practice nursing and invoke other such disciplinary measures against the license as it deems fit and proper.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board enters the following:


## ORDER

1. The Licensed Practical Nurse Privilege to Practice shall be **SUSPENDED**. This suspension shall be for a minimum of twelve (12) months.
2. The Board will not recommend to the Division of Health Services Regulation that Licensee be eligible to request listing as a Nurse Aide I.
3. Licensee may not be listed on the Nurse Aide II Registry.
4. At such time as she is permitted, Licensee shall appear before the Licensure Review Panel ("LRP") and comply with all decisions of the LRP.

5. In accordance with N.C. Gen. Stat. §90-171.27(e) and Board of Nursing policy derived there from, a fee may be assessed for the cost of disciplinary actions. In the matter involved, Licensee shall be assessed a fee of \$300.00 for administrative costs. This fee shall be paid prior to the granting of an appearance before the LRP.

6. This ORDER is public record, as required by N.C. General Statute §132 and will be placed in Licensee's file. All disciplinary actions taken by the Board shall be reported to the appropriate entities as outlined in Board policy, and as required by state and/or federal guidelines. Those entities include, but may not be limited to, NURSYS, National Practitioner Data Bank (NPDB), the Office of the Inspector General (OIG), and any other state/jurisdiction in which Licensee is, or has been, licensed.

The Recommended Decision of the Hearing Committee made the 31<sup>st</sup> day of August, 2017, having been ratified on this the 21<sup>st</sup> day of September, 2017, is hereby final.

  
\_\_\_\_\_  
Pat Campbell, Board Chair  
North Carolina Board of Nursing