

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TAMMY B. COLEMAN, R.N.
License No.: 0001-134186

ORDER

In accordance with Sections 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on December 13, 2006, in Henrico County, Virginia. Ms. Coleman was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 23, 2007, the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Coleman was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Ms. Coleman was issued license number 0001-134186 to practice professional nursing in Virginia on September 15, 1993. The license is current.
2. By letter dated November 21, 2006, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Coleman notifying her that an informal conference would be held on December 13, 2006. The Notice was sent by certified and first class mail to Ms. Coleman at Route 2, Box 392, Haysi, Virginia 24256, the address of record on file with the Board of Nursing.

3. A certified green card sent to Ms. Coleman's address of record was not returned to the Board; however, information obtained from the United States Postal Service website indicated that the certified letter was delivered to Ms. Coleman's address of record on November 27, 2006. Moreover, the Notice sent to Ms. Coleman's address of record by first class mail was not returned to the Board. Therefore, the Agency Subordinate determined that proper notice had been made, and the informal conference convened in Ms. Coleman's absence.

4. Between on or about July 12, 2006, and July 15, 2006, during the course of her employment with Clinch Valley Medical Center, Richlands, Virginia ("Clinch Valley"), Ms. Coleman diverted various controlled substances to include Vicodin (hydrocodone, Schedule III), Percocet (oxycodone, Schedule II), Lorcet (hydrocodone, Schedule III), and hydrocodone/APAP (Schedule III) for her own personal and unauthorized use. She accomplished the diversion by withdrawing medication from the Acudose machine for patients, and taking either a portion or the entire dose of the withdrawn medication. In several instances, she withdrew medication for a patient when another nurse documented administration of the same medication, and in one instance she altered the medication administration record to document administration of a withdrawn medication despite Patient A's assertion to staff that the medication had not been administered. Moreover, she did not document the administration of the withdrawn drugs; neither did she document any wastage.

5. Ms. Coleman is unable to practice with reasonable skill or safety due to substance abuse issues. Specifically:

a. On or about November, 28, 2005, during the course of her employment with Mountain View Regional Medical Center, Norton, Virginia ("Mountain View"), when questioned regarding falsification of her time records, Ms. Coleman stated that she was taking Lortab

(hydrocodone, Schedule III), and she "did it to get more Lortab."

b. On or about July 17, 2006, during the course of her employment with Clinch Valley, Ms. Coleman submitted to a drug screen due to suspicion of drug diversion, which revealed a positive result for methadone (Schedule II).

c. On or about August 28, 2006, Ms. Coleman submitted to a pre-employment drug screen with Norton Community Hospital, Norton, Virginia, which revealed a positive result for hydromorphone (Schedule II), hydrocodone (Schedule III) and propoxyphene (Schedule IV).

d. On or about August 29, 2006, Ms. Coleman submitted to a drug screen at the request of an investigator with the Department of Health Professions, which revealed a positive result for hydromorphone, hydrocodone and propoxyphene. She also later reported to the investigator that "from time to time" she takes her husband's hydrocodone and Darvocet (propoxyphene, Schedule IV).

6. Ms. Coleman submitted applications for employment to several different employers that contain instances of falsification. Specifically:

a. On or about January 24, 2006, on her application for employment with Clinch Valley, she stated she left her employment with Mountain View because of a lengthy travel time. However, on or about November 21, 2005, she was terminated from Mountain View for falsifying her time records.

b. On or about August 8, 2006, on her application for employment with Norton Community Hospital, when asked whether she had ever been discharged from a job or asked to resign, she stated "no." She also stated that she left her employment with Mountain View because of a lengthy travel time. However, as referenced above, she was terminated from

Mountain View.

c. On or about September 12, 2006, on her application for employment with Total Home Care, Grundy, Virginia, in the "Work History" section of the application, she was required to list her three most recent employers, starting with her current or most recent employer. However, she failed to identify her employment with Clinch Valley. She also stated that she left her employment with Mountain View because of a lengthy travel time. However, as stated above, she was terminated.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact #4 constitutes a violation of Section 54.1-3007(2), (3), (5), (6) and (8) of the Code of Virginia (1950), as amended ("Code") and 18 VAC 90-20-300(A)(2)(c) and (e) of the Board of Nursing Regulations
2. Finding of Fact #5 constitutes a violation of Section 54.1-3007(5) and (6) of the Code.
3. Finding of Fact #6 constitutes a violation of Section 54.1-3007(2) and (3) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Board of Nursing Regulations.

ORDER

WHEREFORE, having considered and adopted the recommended Findings of Fact and Conclusions of Law, it is hereby ORDERED that the license of Tammy B. Coleman, R.N., be and hereby is INDEFINITELY SUSPENDED, with said suspension STAYED upon proof of not less than six (6) months' compliance with a Recovery Monitoring Contract with Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10, et seq., of the Regulations Governing the HPIP, and compliance with the following terms and conditions:

1. Ms. Coleman shall comply with all terms and conditions for the period specified by the HPIP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Coleman, and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:
 - a. Ms. Coleman is not in compliance with the terms and conditions specified by the HPIP, or has been terminated from participation in the HPIP, or
 - b. There is a pending investigation or unresolved allegations involving a violation of law, regulation or any term or condition of this Order.

Upon receipt of evidence that Ms. Coleman has successfully completed the specified period of participation in and compliance with the HPIP, the Board, at its discretion, may waive Ms. Coleman's appearance before the Board, and conduct an administrative review of this matter.

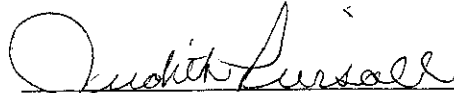
This Order shall be applicable to Ms. Coleman's multi-state licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Coleman may not work outside of the Commonwealth of Virginia pursuant to a multi-state licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Coleman wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

Since Ms. Coleman failed to appear at the informal conference, this Order shall be considered final. Ms. Coleman has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Coleman has thirty (30) days from the date

of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, at 6603 West Broad Street, Richmond, Virginia 23230. In the event that this decision is served by mail, three (3) days are added to that period.

Pursuant to Section 54.1-2400.2(F) of the Code, 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 and copying upon request.

FOR THE BOARD




Judith E. Piersall, R.N., B.S.N.
President
Virginia Board of Nursing

Entered: January 24th, 2007


Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Tammy B. Coleman, R.N., at Route 2, Box 392, Haysi, Virginia 24256.



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

Certified True Copy

By  1/26/07
Virginia Board of Nursing

January 26th, 2007
DATE