

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: BRITTANY MONEE VALLERY, L.P.N.
a.k.a. BRITTANY HERNANDEZ, L.P.N.
LicenseNumber: 0002-089595
Case Number: 173573

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on July 19, 2017, in Henrico County, Virginia, to inquire into evidence that Brittany Monee Vallery, L.P.N., may have violated certain laws and regulations governing the practice of nursing in the Commonwealth of Virginia.

Brittany Monee Vallery, L.P.N., did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated June 28, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Vallery notifying her that a formal administrative hearing would be held on July 19, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The Notice sent by certified mail was not retrieved from the Post Office. A notice was left by the postal service on June 29, 2017, notifying Ms. Vallery that she had certified mail available for pick-up. The Notice sent by first class mail was not returned to the Board office. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Vallery and the formal hearing proceeded in her absence.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On August 26, 2013, the Board issued License Number 0002-089595 to Brittany Monee Vallery, L.P.N. to practice practical nursing in the Commonwealth of Virginia. Said license is scheduled to expire on February 28, 2019. At all times relevant hereto, said license was in full force and effect. Her primary state of residence is Virginia.
2. Between April 4, 2016 and April 19, 2016, during the course of her employment with Consulate Health Care of Windsor, Windsor, Virginia, Ms. Vallery diverted narcotic medications for her personal and unauthorized use, by signing out PRN narcotic medications on the Controlled Medication Utilization Records for residents who were unable to request pain medications, as evidenced by the following:
 - a. Between April 13, 2016, and April 19, 2016, Ms. Vallery signed out five oxycodone 5mg tablets (C-II) for Resident A, but failed to document administration of the medication and pain level on Resident A's Medication Administration Record ("MAR").
 - b. Between April 4, 2016 and April 13, 2016, Ms. Vallery signed out 12 hydrocodone 5mg tablets (C-II) for Resident B, but failed to document administration of the medication and pain level on Resident B's MAR.
 - c. Between April 10, 2016 and April 19, 2016, Ms. Vallery signed out 6 ½ hydromorphone 2mg tablets (C-II) for Resident C, but failed to document administration of the medication and pain level on Resident C's MAR.
 - d. Between April 14, 2016 and April 15, 2016, Ms. Vallery signed out 2 hydrocodone 5mg tablets for Resident D, but failed to document administration of the medication and pain level on Resident D's MAR.

e. Between April 9, 2016 and April 19, 2016, Ms. Vallery signed out 11 hydrocodone 7.5mg tablets for Resident E, but failed to document administration of the medication and pain level on Resident E's MAR.

f. Between April 10, 2016 and April 15, 2016, Ms. Vallery signed out 2 hydrocodone 5mg tablets for Resident F, but failed to document administration of the medication and pain level on Resident F's MAR.

g. Between April 5, 2016 and April 19, 2016, Ms. Vallery signed out 12 oxycodone 5mg tablets for Resident G, but failed to document administration of the medication and pain level on Resident G's MAR.

h. On April 1, 2016, Ms. Vallery signed out 1 Tramadol 50mg tablet (C-IV) for Resident H, but failed to document administration of the medication and pain level on Resident H's MAR.

3. During the overnight shift on April 18, 2016 into April 19, 2016, Ms. Vallery failed to document her assessment of Resident I, who had suffered an unwitnessed fall, and failed to notify the oncoming shift nurse of the resident's fall.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2(a) - 2(h) constitute a violation of Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing ("Regulations") (currently found at 18 VAC 90-19-230(A)(2)(c) and (e), effective February 24, 2017).

2. Finding of Fact No. 3 constitutes a violation of Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(e) and (f), effective February 24, 2017).

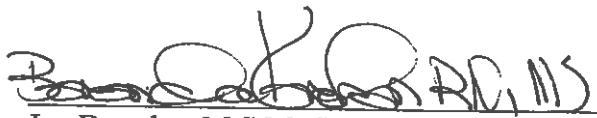
ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The license issued to Brittany Monee Vallery, L.P.N., to practice practical nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED for a period of not less than one year.
2. The license of Ms. Vallery will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice practical nursing.
4. Should Ms. Vallery seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Vallery to demonstrate that she is safe and competent to return to the practice of practical nursing. Ms. Vallery shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

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 and copying upon 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:

August 2, 2017

Certified True Copy

By 
Virginia Board Of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay 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. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.