

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: KELLIANNE MARIE BILLINS, L.P.N.
LicenseNumber: 0002-064958
Case Number: 170120

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 20, 2016, in Henrico County, Virginia, to inquire into evidence that Kellianne Marie Billins, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Kellianne Marie Billins, L.P.N. appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated July 1, 2016, the Board of Nursing sent a Notice of Formal Hearing (“Notice”) to Ms. Billins notifying her that a formal administrative hearing would be held on July 20, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing.

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 September 11, 2002, the Board of Nursing issued License Number 0002-064958 to Kellianne Marie Billins, L.P.N. to practice practical nursing in the Commonwealth of Virginia. Said

license is scheduled to expire on April 30, 2017. At all times relevant hereto, said license was in full force and effect. Her primary state of residence is Virginia.

2. At all times relevant to the case before the Board, Ms. Billins was employed by the Riverside Health System as a practical nurse. Her employment called for her placement at various Riverside facilities.

3. On August 19, 2015, Ms. Billins was assigned to work a 12-hour shift beginning at 7:00 p.m. at Riverside Smithfield Convalescent Center. Ms. Billins was reported to be missing from the floor for prolonged periods of time during that overnight shift. At one point, a staff member telephoned Ms. Billins, who was in her car in the parking lot. On the morning of August 20, Judy Simmons, the Smithfield Center's director of nursing, discovered several discarded items in the parking lot, including an empty prescription bottle bearing Ms. Billins' name. She described the other items to include a crack pipe and a razor blade, a retail receipt, and an empty cigarette box. During a facility investigation, Ms. Billins confirmed the receipt and the pill bottle were hers and she identified the smoking device.

4. Upon completing the Smithfield shift on the morning of August 20, Ms. Billins reported to the Riverside Cancer Infusion Center to begin an eight-hour shift. Late that morning, Riverside Human Resources had received the report from the Smithfield Center regarding Ms. Billins' actions on the overnight shift and the discovery of the trash. A Riverside security manager who escorted Ms. Billins to Human Resources from her shift reported that she had displayed slurred speech, glassy eyes, and had been unsteady on her feet. The Human Resources staff member met with Ms. Billins and also reported that she had slurred speech, she was stumbling, and her eyes were rolling back in her head. The HR staff member also stated that Ms. Billins arrived for the meeting with a plate of food; she

continued eating during the meeting, and on one occasion, picked up food she had dropped on the floor and ate it.

6. Ms. Billins then submitted to a for-cause urine drug screen, which was positive for barbiturates, benzodiazepines, tramadol (C-IV), oxycodone (C-II), and cocaine. Ms. Billins had prescriptions for oxycodone/acetaminophen and clonazepam, but no prescriptions for the other controlled substances.

7. Ms. Billins denied being under the influence of drugs or alcohol on August 19-20, 2015. She denied possessing or having knowledge of any drug paraphernalia. She denied any history of substance abuse but admitted to a one-time use of cocaine. Further, she stated that she used tramadol and lorazepam (C-IV) that she obtained from a friend. She reported having her own prescriptions for fioricet (C-III), clonazepam (C-IV), zolpidem tartrate (C-IV), Paxil and Motrin. During the meeting, she stated that she did take at least three breaks during her Smithfield shift, including one during which she drove to a nearby grocery store.

8. Ms. Billins stated that she is not always able to afford her medications due to a lack of insurance and occasionally obtains her medications from a friend. Her Prescription Monitoring Report for the period November 23, 2014, through November 23, 2015, revealed prescriptions for clonazepam, zolpidem tartrate, phentermine, and oxycodone-acetaminophen.

9. At the formal hearing, Ms. Billins testified that the drug paraphernalia found at the Riverside Smithfield Convalescent Center parking lot was not hers and that she was not impaired at work, only tired. Ms. Billins did admit to using cocaine one time. She testified that she got the tramadol from a friend, but testified she had prescriptions for the other medications she tested positive for. Ms. Billins stated she did not have a substance abuse problem but is willing to enter HPMP.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 5 and 6 constitute a violation of Virginia Code § 54.1-3007(5) and (6).
2. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Billins's health records or health services.

ORDER

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

1. The license of Kellianne Marie Billins to practice practical nursing is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended.
3. This suspension applies to any multistate privilege to practice practical nursing.
4. Should Kellianne Marie Billins seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Kellianne Marie Billins to demonstrate that she is safe and competent to return to the practice of practical nursing. Kellianne Marie Billins 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.
5. The suspension shall be STAYED upon proof of Kellianne Marie Billins's entry into a Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP"). Upon stay of the suspension, Kellianne Marie Billins shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
6. This Order is applicable to Kellianne Marie Billins' multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Kellianne Marie Billins shall not

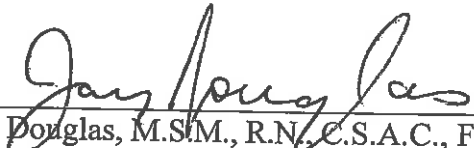
work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

7. Failure to comply with the terms and conditions of the stay of suspension shall be reason for summarily rescinding the stay of suspension of the license of Kellianne Marie Billins, and the license shall be recorded as suspended. After any rescission of the stay of suspension, a formal administrative proceeding shall be instituted.

8. Upon receipt of evidence of Kellianne Marie Billins' participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Kellianne Marie Billins's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

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



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 4th, 2016

Certified True Copy

By dgraham
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 P. Douglas, 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.