

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LYNN MARIE VANDERWERFF, L.P.N.  
License Number: 0002-057785  
Case Number: 176276

RATIFICATION AND ORDER

On July 19, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Lynn Marie Vanderwerff, L.P.N., was not present nor was she represented by legal counsel.

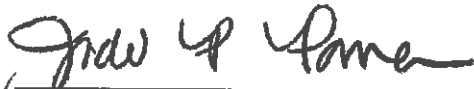
In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

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 and copying upon request.

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

Since Ms. Vanderwerff failed to appear at the informal conference, this Order shall be considered final. Ms. Vanderwerff 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. Vanderwerff has thirty 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 Douglas, M.S.M, R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

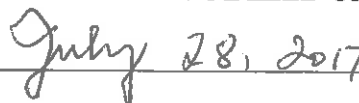
FOR THE BOARD

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

Certified True Copy

By   
Virginia Board of Nursing

ENTERED AND MAILED ON:



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**IN RE:       LYNN MARIE VANDERWERFF, L.P.N.**  
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**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliott, R.N., Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on June 15, 2017 in Henrico County, Virginia, to inquire into evidence that Lynn Marie Vanderwerff, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Ms. Vanderwerff did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

**Notice**

By letter dated May 17, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Vanderwerff notifying her that an informal conference would be held on June 15, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. According to the USPS tracking website, as of May 19, 2017, the package sent by certified mail was in transit but had not yet been delivered. The Notice sent by first class mail was not returned to the Board office. By letter dated May 20, 2017, Ms. Vanderwerff notified the Board that she would be unable to attend the informal conference. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Vanderwerff and the informal conference proceeded in her absence.

### **Recommended Findings of Fact and Conclusions of Law**

1. Lynn Marie Vanderwerff, L.P.N., was issued License Number 0002-057785 to practice practical nursing on May 17, 1999, which is scheduled to expire on February 28, 2018. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.
2. Ms. Vanderwerff violated Virginia Code § 54.1-3007(2), (5), and (6) and 18 VAC 90-20-300(a)(2)(c) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(c), effective February 24, 2017) in that during the course of her employment with Lake Taylor Transitional Care Hospital, Norfolk, Virginia, by her own admission, between March and September 2016, she diverted morphine (C-II), oxycodone (C-II), and Dilaudid (hydromorphone, C-II). She accomplished this diversion by pocketing discontinued medications and then destroying the corresponding inventory records when she was cleaning out the medication cart.
3. Ms. Vanderwerff's employment was terminated on September 21, 2016 for theft/diversion.
4. On October 11, 2016, Ms. Vanderwerff told the investigator for the Department of Health Professions that she sometimes used the diverted medications at work.
5. Ms. Vanderwerff violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice practical nursing due to substance abuse, as evidenced by the following:
  - a. On September 30, 2016, she signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") in which she acknowledged her opioid abuse.
  - b. Beginning in October 2016, she received therapy at the Cognitive Behavior Therapy Center, Chesapeake, Virginia, for diagnoses including bipolar disorder and opiate dependence in early full remission.
6. The HPMP recommended Ms. Vanderwerff complete a substance abuse and mental health assessment and enter treatment. Ms. Vanderwerff cited financial and insurance concerns, and

she did not enter treatment as recommended. She last contacted the HPMP on November 18, 2016, and was placed on warning status for failure to respond to HPMP contact on December 5, 2016. On January 30, 2017, Ms. Vanderwerff was dismissed from the HPMP for failure to enter and complete treatment as recommended and failure to maintain contact with the HPMP.

7. By letter dated May 20, 2017, Ms. Vanderwerff told the Board that she would like to maintain her practical nursing license, but was uncertain about her future practice due to health concerns.

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

#### **Recommended Order**

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The license issued to Lynn Marie Vanderwerff, L.P.N., to practice practical nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Lynn Marie Vanderwerff, L.P.N., will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice practical nursing.
4. Should Ms. Vanderwerff seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Vanderwerff to demonstrate that she is safe and competent to return to the practice of practical nursing. Ms. Vanderwerff 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.

Reviewed and approved on June 21, 2017  
By Jane Elliott, R.N., Ph.D.  
Agency Subordinate

**Certified True Copy**  
By   
**Virginia Board of Nursing**