

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: DEMETRICIA LASHAWN MURPHY, L.P.N.
License Number: 0002-078300
Case Number: 173937, 173939

RATIFICATION AND ORDER

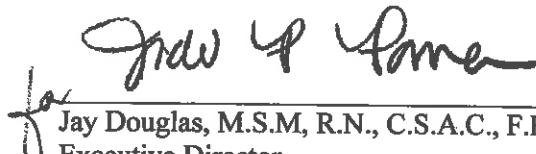
On July 19, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Demetrica LaShawn Murphy, L.P.N., was not present nor was she represented by legal counsel.

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.


Since Ms. Murphy failed to appear at the informal conference, this Order shall be considered final. Ms. Murphy 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. Murphy 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, MSM, RN, CSAC, FRE, 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



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

ENTERED AND MAILED ON:



July 28, 2017

Certified True Copy

By: 

Virginia Board of Nursing

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IN RE: DEMETRICA LASHAWN MURPHY, L.P.N.
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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Judith E. Piersall, R.N., B.S.N., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on May 2, 2017 in Henrico County, Virginia, to inquire into evidence that Demetrica LaShawn Murphy, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Ms. Murphy 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 April 5, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Murphy notifying her that an informal conference would be held on May 2, 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 could not be delivered to the address of record because no authorized recipient was available. The United States Postal Service notified the recipient that the package could be retrieved at its facility, but the Notice was never picked up. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Murphy and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Demetrica LaShawn Murphy, L.P.N., was issued License Number 0002-078300 to practice practical nursing on June 13, 2008, which is scheduled to expire on July 31, 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. Murphy violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing ("Regulations") (currently found at 18 VAC 90-19-230(A)(2)(c) effective February 24, 2017) in that:

a. On December 4, 2015, she fraudulently obtained a prescription for oxycodone (C-II), for her own personal and unauthorized use, from her employer Long Term Care of Virginia, Norfolk, Virginia. The licensed nurse practitioner for Long Term Care of Virginia, whose name appeared on the prescription, denied that she wrote the prescription for Ms. Murphy, and indicated that the signature appearing on the prescription was fraudulent.

b. On April 24, 2016, by her own admission, Ms. Murphy stole and attempted to fill a prescription for oxycodone (C-II) that had been written for a patient of Princess Anne Health and Rehabilitation ("Princess Anne"), Virginia Beach, Virginia, Ms. Murphy's former employer. Ms. Murphy denied intending to sell the oxycodone, but stated she was intending to give the medication to another individual.

3. Ms. Murphy was arrested at the pharmacy on April 25, 2016 while attempting to pick up the prescription.

4. On September 14, 2016, in the Circuit Court for the City of Virginia Beach, Virginia, Ms. Murphy pled guilty to felony prescription fraud. The charge was taken under advisement until September 13, 2017.

5. Ms. Murphy violated Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(e) effective February 24, 2017) in that on April 15, 2016, on an employment application with Autumn Care, Chesapeake, Virginia, she falsely stated that her reason for leaving Princess Anne was to “move toward better opportunity,” when, in fact, her employment had been terminated.

6. Ms. Murphy violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(f) effective February 24, 2017) in that during the course of her employment with Princess Anne, between May 2015 and April 2016, Ms. Murphy was cited for the following: leaving her shift early without permission and failing to return, failing to ensure that a patient’s line dressing was changed according to policy, failing to reassess and monitor the status of a patient’s hypotension, and failing to provide information regarding a patient’s changed condition to a supervisor, including failing to chart, notify a doctor, or complete a skin sheet.

7. Following a suspension for having left her shift early on April 13, 2016, Ms. Murphy’s employment with Princess Anne was terminated on April 18, 2016 after she failed to appear for a meeting, on that date, to discuss the matter.

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 Demetrica LaShawn Murphy, L.P.N., to practice practical nursing in the Commonwealth of Virginia is **SUSPENDED** for a period of not less than one year from the date of entry of this Order.
2. The license of Demetrica LaShawn Murphy, L.P.N., will be recorded as **SUSPENDED**.

3. This suspension applies to any multistate privilege to practice practical nursing.

4. Should Demetrica LaShawn Murphy, L.P.N., seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Murphy to demonstrate that she is safe and competent to return to the practice of practical nursing. Ms. Murphy 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 May 10, 2017

By Judith E. Piersall, R.N., B.S.N.

Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing