

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: HEATHER LOU PALMER, L.P.N.**  
**License Number: 0002-067271**  
**Expiration Date: March 31, 2018**  
**Case Number: 173967 and 177236**

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**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing ("Board") regarding your license to practice practical nursing in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is an informal conference before an Agency Subordinate of the Board.
<b>DATE AND TIME:</b>	April 20, 2017 at 2:00 p.m.
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice practical nursing in the Commonwealth;

- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

**Board's Review of Agency Subordinate's Recommended Decision**

If you appear in person or by counsel at the informal conference, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you fail to appear in person or by counsel at the informal conference, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

**ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:**

If you fail to appear at the informal conference, the Agency Subordinate may proceed to hear this matter in your absence and may take any of the actions outlined above.

**RESPONDENT'S LEGAL RIGHTS:**

You have the right to the information on which the Agency Subordinate will rely in making a decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

**INFORMAL CONFERENCE MATERIALS:**

Enclosed is a copy of the documents that will be considered by the Agency Subordinate when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

**FILING DEADLINE:**

Deadline for filing materials: **April 13, 2017**. Submit 5 copies of all documents you want the Board to consider to Sylvia Tamayo-Suijk, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

**REQUEST FOR A CONTINUANCE**

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **April 13, 2017**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **April 13, 2017**.

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**STATEMENT OF ALLEGATIONS**

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The Board alleges that:

1. At all times relevant hereto, Heather Lou Palmer, L.P.N., was licensed to practice practical nursing in the Commonwealth of Virginia.
2. Ms. Palmer violated Virginia Code § 54.1-3007(2), (5), (6) and (8) and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(c) and (e), effective February 24, 2017) in that during the course of her employment with The Hidenwood Retirement Community, Newport News, Virginia, she diverted narcotic medications for her own personal and unauthorized use, as evidenced by the following:
  - a. On or about March 19, 2016, March 20, 2016, and March 22, 2016, Ms. Palmer documented that she removed 1 tablet of hydrocodone-acetaminophen 5mg-325mg (C-II) on the Controlled Medication Utilization Record (“CMUR”) for Resident A, but failed to document administration of the medication in the resident’s Medication Administration Record (“MAR”).
  - b. On or about January 24, 2016, January 25, 2016, and February 18, 2016, Ms. Palmer documented that she removed 1 tablet of hydrocodone-acetaminophen on the CMUR for Resident B, but failed to document administration of the medications on the resident’s MAR. Further, on or about February 16, 2016, February 17, 2016, and February 19, 2016, she documented that she removed 1 tablet of hydrocodone-acetaminophen on the CMUR for Resident B at 0600, but documented that she administered the medications on the resident’s MAR at 0326, 0322, and 0409 respectively, approximately 2 – 3 hours prior to the time she documented removing the medications.
  - c. On or about February 18, 2016, Ms. Palmer documented that she removed 1 tablet of lorazepam (C-IV) on the CMUR for Resident C, but failed to document the administration of the medication on the resident’s MAR. Further, on or about March 4, 2016, and March 6, 2016, Ms.

Palmer documented that she administered lorazepam to Resident C at 0357 and 0242, but documented that she removed the medication at 0600, on the CMUR, approximately 2 – 4 hours after she documented administering the medication to the resident.

d. On nine occasions between on or about February 13, 2016 and April 1, 2016, Ms. Palmer documented that she removed hydrocodone-acetaminophen 5mg – 300mg tablets (C-II) on the CMUR for Resident C, but failed to document the medication on the resident's MAR. Further, on or about February 16, 2016, February 23, 2016, February 27, 2016, March 4, 2016, and March 6, 2016, Ms. Palmer documented that she administered the medications on the MAR for Resident C at 0326, 0344, 0422, 0657, and 0242 respectively, but documented that she removed the medication at 0600 on the CMUR, approximately 2 – 4 hours after she documented administering the medication to the resident.

e. On eight occasions between on or about March 19, 2016, and April 7, 2016, Ms. Palmer documented on the CMUR that she removed 1 tablet of alprazolam 0.25mg (C-IV) for Resident D after 2000, counter to the physician's orders that the medication be administered every morning. Further, Ms. Palmer failed to document the administration of the medication on the resident's MAR.

f. On or about April 23, 2016, Ms. Palmer falsely documented the administration of Resident E's morning medications in the resident's MAR, when, in fact, the resident refused her medications.

3. Ms. Palmer violated Virginia Code § 54.1-3007(5) and (6) in that she is unsafe to practice practical nursing due to admitted substance abuse and mental illness, as evidenced by the following:

a. On or about October 13, 2016, during the course of her employment with Eastern Virginia Medical School, Internal Medicine/Infectious Disease Clinic, Norfolk, Virginia, Ms.

Palmer reported to work in an impaired condition. She was observed slurring her words, looking pale and sweating. A for-cause drug screen was positive for Xanax (C-IV), for which Ms. Palmer did not have a valid prescription.

b. By her own admission, Ms. Palmer has been abusing multiple controlled medications. She suffers with chronic pain and began abusing her pain medications in 2012, following a fall. Ms. Palmer also admitted that she has worked under the influence of narcotics and hypnotics.

c. On or about November 8, 2016, Ms. Palmer was admitted to Riverside Regional Medical Center, Newport News, Virginia, following a suicide attempt. Ms. Palmer was diagnosed with suicidal ideations and major depressive disorder. She was transferred to the Riverside Behavioral Center, and was discharged on November 16, 2016, with a final diagnosis of major depression, severe, recurrent, without psychotic features, opiate use disorder, severe, benzodiazepine use disorder, severe, and substance abuse mood disorder.

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

See Confidential Attachment I for the names of the residents referenced above.



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Jodi Power, R.N., J.D.  
Deputy Executive Director  
Virginia Board of Nursing

March 20, 2017

Date