

MAR 30 2009

DHP

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

LINDA GAYLE HUFF STERLING, R.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Linda Gayle Huff Sterling, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Sterling's license to practice as a professional nurse in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Linda Gayle Huff Sterling, R.N., was issued License No. 0001-086839 to practice as a professional nurse by the Virginia Board of Nursing on September 15, 1982. Said license is set to expire on August 31, 2009.

2. Ms. Sterling is unable to practice as a professional nurse in the Commonwealth of Virginia due to substance abuse, in that:

a. During the course of her employment at Dialysis Corporation of America, Kilmarnock, Virginia ("DCA"), on December 20, 2007 and January 17, and March 4, 2008, Ms. Sterling fraudulently called in prescriptions for 100 tablets of hydrocodone/APAP 10/325 (Schedule III) to a local pharmacy using her daughter's name as the patient and the name of the DCA's Medical Director as the prescribing physician. A pharmacist became suspicious of the March 4 prescription and called DCA's Medical Director, who denied authorizing any prescriptions for hydrocodone and the prescription was not filled. When Ms. Sterling was confronted about the prescriptions, she admitted to the fraud. As a result, she was suspended from her employment.

b. Ms. Sterling completed inpatient substance abuse treatment at Harrison House, Fredericksburg, Virginia, from March 24 to April 21, 2008. She is currently attending an intensive outpatient substance abuse treatment program through the Middle Peninsula-Northern Neck Community Services Board.

3. Ms. Sterling signed a Participation Contract with the Health Practitioners' Intervention Program ("HPIP") on March 11, 2008, and a Recovery Monitoring Contract on May 5, 2008. She is currently in compliance with her contracts.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2(a) constitutes a violation of § 54.1-3007(6) of the Code of Virginia (1950), as amended ("Code") and 18 VAC 90-20-300(A)(2)(c) of the Regulations governing the Practice of Nursing.

2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

Linda Gayle Huff Sterling, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;

6. She consents to the entry of the following Order affecting her right to practice as a professional nurse in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board shall TAKE NO FURTHER ACTION against Linda Gayle Huff Sterling, R.N., at this time contingent on the following conditions:

a. Linda Gayle Huff Sterling shall comply with all terms and conditions of the HPIP for the period specified by the HPIP.

b. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Sterling, and an administrative proceeding shall be held to determine whether her license shall be revoked. Ms. Sterling shall be noticed to appear before the Board at such time as the Board is notified that:

i. Ms. Sterling is not in compliance with the terms and conditions specified by the HPIP;

ii. Ms. Sterling's participation in the HPIP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Sterling involving a violation of law, regulation, or any term or condition of this order.

3. This Order is applicable to Ms. Sterling's multistate licensure privileges, if any, to practice as a professional nurse in the Commonwealth of Virginia. For the duration of this Order, Ms. Sterling 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

wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Sterling shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD

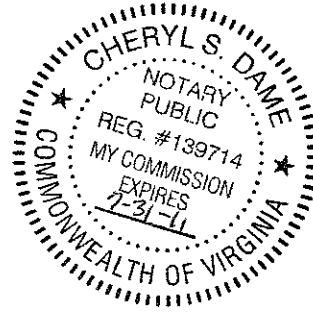


Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: March 31ST, 2009

SEEN AND AGREED TO:

Linda Gayle Huff Sterling
Linda Gayle Huff Sterling



COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Gloucester, TO WIT:

Subscribed and sworn to before me, Cheryl S. Dame, a Notary Public, this 20th day of March, 2009.

My commission expires 7-31-11.

Registration Number 139714.

Cheryl S. Dame
NOTARY PUBLIC