

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:            JASON HORNSBY, R.N.**  
**License Number:    0001-259588**  
**Case Number:        177826**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Nursing ("Board") and Jason Hornsby, R.N., as evidenced by their signatures hereto, in lieu of proceeding to a formal administrative proceeding, enter into the following Consent Order affecting Mr. Hornsby's license to practice professional nursing in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Jason Hornsby, R.N., was issued License Number 0001-259588 to practice professional nursing on July 2, 2015, which is scheduled to expire on September 30, 2018. His primary state of residence is Virginia.
2. By Order of the Board entered April 19, 2017, Mr. Hornsby's license was summarily suspended.
3. Mr. Hornsby violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(c), (e) and (f) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(c), (e) and (f) effective February 24, 2017) in that, during the course of his employment with Sentara Martha Jefferson Hospital, Charlottesville, Virginia, from October 2016 to December 7, 2016, he diverted hydromorphone and oxycodone (both C-II), and on December 7, 2016, he diverted Ativan (lorazepam, C-IV), for his personal and unauthorized use and injected or consumed said medications while on duty. Mr. Hornsby accomplished the diversion by withdrawing medications under other nurses' names when they failed to log out of the Accudose system, as well as under his own

name; removing medications using patient names, documenting administration and/or wastage, and keeping the medication for himself; removing medications using patient names, failing to document administration or wastage, and keeping the medication for himself; and substituting saline for injectable medication to be wasted and keeping the medication for himself.

4. Mr. Hornsby violated Virginia Code § 54.1-3007(6) in that he is unsafe to practice professional nursing due to substance abuse and physical and/or mental illness, as evidenced by the following:

a. On December 7, 2016, while on duty at Sentara Martha Jefferson Hospital, Mr. Hornsby was impaired while on duty. He was observed walking with an erratic gait, diaphoretic, with dilated pupils. Mr. Hornsby had injected himself with hydromorphone and Ativan at the same time, and blacked out.

b. On December 9, 2016, Mr. Hornsby was hospitalized at UVA Health System, Charlottesville, Virginia, for suicidal ideation and severe depression. He was discharged on December 22, 2016, with diagnoses including major depressive disorder, severe, with anxious distress, without psychotic features and anxiety disorder, and transferred to the Wellness Recovery Center, Charlottesville, Virginia.

c. From December 22, 2016 to January 5, 2017, Mr. Hornsby received residential treatment at the Wellness Recovery Center, with diagnoses including major depressive disorder, recurrent episode, severe, anxiety disorder due to another medical condition and opioid use disorder, mild.

d. On February 16, 2017, Mr. Hornsby entered the Health Practitioners' Monitoring Program ("HPMP"), wherein he acknowledged that alcohol and/or substance use disorder and/or mental illness and/or physical illness may impair his ability to practice. On March 27, 2017, Mr. Hornsby was

urgently dismissed from the program following his relapse with morphine (C-II), failure to attend outpatient treatment as scheduled and returning to nursing practice without the approval of the HPMP.

5. On April 24, 2017, Mr. Hornsby entered residential treatment at the Farley Center, Williamsburg, Virginia, and has an anticipated discharge date of mid-June 2017.

6. Mr. Hornsby has expressed a willingness to re-enter the HPMP.

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

### CONSENT

Jason Hornsby, R.N., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to a formal administrative hearing before the Board; and the right to representation by counsel;
4. I waive my right to a formal hearing;
5. I neither admit nor deny the Findings of Fact and Conclusions of Law contained herein, but waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my licensure to practice professional nursing in the Commonwealth of Virginia.

### 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 Jason Hornsby, R.N., to practice professional nursing is INDEFINITELY SUSPENDED for not less than two years from the date of entry of this Order.
2. The license will be recorded as suspended.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Jason Hornsby, R.N., seek reinstatement of his license after a period of not less than two years, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Mr. Hornsby to demonstrate that he is safe and competent to return to the practice of professional nursing. Mr. Hornsby 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 Mr. Hornsby's entry into a Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP").
6. Upon stay of the suspension, Jason Hornsby, R.N., shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
7. Upon receipt of evidence of Mr. Hornsby's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Mr. Hornsby's appearance before the Board and conduct an administrative review of this matter, at which time he may be issued an unrestricted license.
8. This Order is applicable to Mr. Hornsby's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Mr. Hornsby 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 he seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

9. Jason Hornsby, R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

10. Failure to comply with the terms and conditions of the stay of suspension shall result in the immediate rescission of the stay of suspension of the license of Jason Hornsby, R.N., and the license shall be recorded as suspended. After any rescission of the stay of suspension, Mr. Hornsby's license shall be indefinitely suspended for a period of not less than two years. After that time, Mr. Hornsby may apply for reinstatement and an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Mr. Hornsby to demonstrate that he is safe and competent to return to the practice of professional nursing. Mr. Hornsby 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.

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:

June 23<sup>rd</sup>, 2017

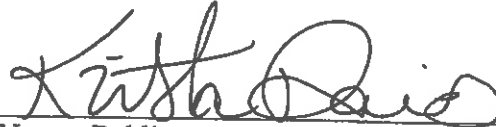
SEEN AND AGREED TO:



Jason Hornsby, R.N.

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

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this  
30<sup>th</sup> day of May, 2017.



Notary Public

My commission expires:

11/30/2018

Registration No.:

75787203



Certified True Copy

By *drakem*  
Virginia Board Of Nursing