

BEFORE THE VIRGINIA BOARD OF NURSING

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

ORDER OF SUMMARY SUSPENSION

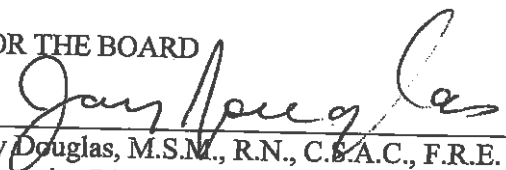
Pursuant to Virginia Code § 54.1-2408.1(A), a quorum of the Board of Nursing ("Board") met by telephone conference call on April 12, 2017, after a good faith effort to convene a regular meeting of the Board had failed. The purpose of the meeting was to receive and act upon information indicating that Jason Hornsby, R.N., may have violated certain laws relating to the practice of professional nursing in the Commonwealth of Virginia, as more fully set forth in the attached "Notice of Formal Administrative Hearing and Statement of Allegations," which is attached hereto and incorporated by reference herein.

WHEREUPON, pursuant to its authority under Virginia Code § 54.1-2408.1(A), the Board concludes that a substantial danger to public health or safety warrants this action and ORDERS that the license of Jason Hornsby, R.N., to practice professional nursing in the Commonwealth of Virginia is SUSPENDED. It is further ORDERED that a hearing be convened within a reasonable time of the date of entry of this Order to receive and act upon evidence in this matter.

This Order shall be applicable to Mr. Hornsby's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia.

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 or copying on request.

FOR THE BOARD


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

ENTERED AND MAILED ON: April 19th, 2017

Certified True Copy

By 
Virginia Board Of Nursing

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JASON HORNSBY, R.N.
License Number: 0001-259588
Issue Date: July 2, 2015
Expiration Date: September 30, 2018
Case Number: 177826

**NOTICE OF FORMAL ADMINISTRATIVE HEARING
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing ("Board") regarding your license to practice professional nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board.
DATE AND TIME:	May 15, 2017 2:00 P.M.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Continue your license on suspension;
- Revoke your license.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the formal hearing, the Board 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 Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBITS:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board 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 formal hearing.**

FILING DEADLINES:

1. Deadline for filing exhibits: **May 3, 2017**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail. Please note that any documentation or evidence that you previously submitted for an informal conference that is not already part of the Commonwealth's evidence must be resubmitted as an exhibit if you want the Board to consider it at the hearing.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **May 9, 2017**. If no objections have been received by **May 9, 2017**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **May 11, 2017**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions: **May 3, 2017**, addressed to Darlene Graham at the above address.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **May 3, 2017**. If you do not file objections by this date, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates on your case. If you do file objections, the Commonwealth has until **May 3, 2017** to file a response to the objections, in writing, and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion. NOTE: failure to object to the distribution of the Commonwealth's exhibits prior to the proceeding will not affect your right to contest any information contained in those exhibits at the proceeding.

REQUEST FOR A CONTINUANCE:

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **May 3, 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 **May 3, 2017**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Jason Hornsby, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.
2. 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, by his own admission, from October 2016 to December 7, 2016, he diverted hydromorphone and oxycodone (both C-II) and on or about 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.
3. 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 or about 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. By his own admission, Mr. Hornsby had injected himself with hydromorphone and Ativan at the same time, and blacked out.

b. On or about December 9, 2016, Mr. Hornsby was hospitalized at UVA Health System, Charlottesville, Virginia, for suicidal ideation and severe depression. He was discharged on or about 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.

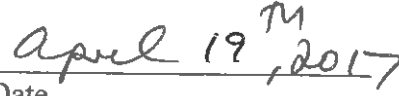
c. From on or about December 22, 2016 to January 5, 2017, Mr. Hornsby received residential treatment at the Wellness Recovery Center, with diagnoses including major depressive disorder, recurrent episode, severe, anxiety disorder due to another medical condition and opioid use disorder, mild.

d. On or about 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 or about 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.

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.



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



Date