

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: MEREDITH FUNNELL, L.P.N.
License No.: 0002-064708**

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Meredith Funnell, L.P.N., as evidenced by her signature hereto, enter into the following Consent Order affecting the license of Ms. Funnell to practice practical nursing in Virginia.

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

FINDINGS OF FACT

1. Meredith Funnell, L.P.N., was issued License No. 0002-064708 to practice practical nursing by the Virginia Board of Nursing on July 16, 2002. Said license is set to expire on December 31, 2014. Her primary state of residence is Virginia.

2. During the course her employment at Bon Secours Memorial Regional Medical Center, Mechanicsville, Virginia, from April 7, 2012, to May 1, 2012, Ms. Funnell diverted IV Dilaudid (hydromorphone, Schedule II) as evidenced by a review of the records of six patients. Specifically, Ms. Funnell removed Dilaudid for three patients who were not assigned to her, and Ms. Funnell could not explain why she removed the Dilaudid for the patients. On approximately nine occasions she removed Dilaudid from the Pyxis and then later canceled the removal. Moreover, from April 29, 2012, to May 1, 2012, Ms. Funnell removed a total of 14 ml of Dilaudid for 2 patients, and the medication was not documented as administered to the patients; she cancelled the removal of the medication or documented wasting the medication. Ms. Funnell stated that she administered all the Dilaudid she removed even though hospital policy did not authorize licensed practical nurses to administer IV push Dilaudid. On May 2, 2012, Ms.

Funnell submitted to a urine drug screen that was returned positive for hydromorphone, morphine, and opiates for which she did not have a current prescription.

3. From November, 2011, to April, 2012, Ms. Funnell took Percocet (oxycodone, Schedule II) from a family member, who had a prescription for the medication, and she also received Percocet from a friend. Ms. Funnell reported that she took one or two dosage units of Percocet three to four times per week.

4. On June 4, 2012, Ms. Funnell signed a Participation Agreement with the Health Practitioners' Monitoring Program ("HPMP"). From June, 2012, to October, 2012, she entered into four Recovery Monitoring Contracts with the HPMP in which she acknowledged that her substance abuse disorder and/or mental illness may impair her ability to practice nursing safely.

5. On August 23, 2012, a counselor at New Life Journey, Mechanicsville, Virginia, diagnosed Ms. Funnell with opioid abuse, bipolar disorder, and adjustment disorder.

6. On October 5, 2012, Ms. Funnell was granted a stay of disciplinary action by the HPMP Committee.

7. On January 7, 2013, Ms. Funnell's stay of disciplinary action was vacated due to non-compliance with her Recovery Monitoring Contract with the HPMP. Specifically, on November 29, 2012, Ms. Funnell's urine drug screen tested positive for alcohol. On December 10, 2012, she submitted a diluted urine drug screen. On December 13, 2012, Ms Funnell submitted to a blood serum test, and the results of the blood serum test suggested that high quantities of alcohol had been consumed.

8. Since the positive blood serum test in December, 2012, Ms. Funnell has been compliant with her recovery program.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), (6), and (8) 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 (“Regulations”).
2. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations.
3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

Meredith Funnell, L.P.N., by affixing her signature hereon, agrees to the following:

1. Ms. Funnell has been advised to seek advice of counsel prior to signing this document;
2. Ms. Funnell 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. Ms. Funnell 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. Ms. Funnell waives all such right to an informal conference;
5. Ms. Funnell admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. Ms. Funnell consents to the entry of the following Order affecting her right to practice practical nursing 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 ACTION at this time contingent on Ms. Funnell's compliance with HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Meredith Funnell, L.P.N., and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Funnell shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Ms. Funnell is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against Ms. Funnell involving a violation of law or regulation or any term or condition of this Order; or
 - c. Ms. Funnell has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Funnell's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Funnell's appearance before the Board and conduct an administrative review of this matter.
3. This Order is applicable to Ms. Funnell's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Funnell 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 Ms. Funnell wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Funnell shall maintain a course of conduct in her capacity as a practical 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:

for *Glenn Mitchell*
Jay P. Douglas, L.P.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: *May 30, 2013*

SEEN AND AGREED TO:

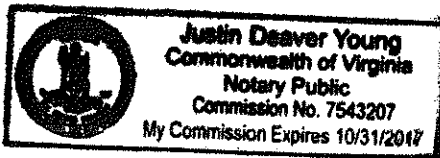
Meredith Funnell
Meredith Funnell, L.P.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF *Hannover*, TO WIT:

Subscribed and sworn to before me, *Justin Deaver Young*, a Notary Public, this *23* day of *May*, 2013.

My commission expires *October 31, 2017*.

Registration Number *7543207*.



Justin Deaver Young
NOTARY PUBLIC

Certified True Copy

By *[Signature]*
Virginia Board of Nursing