

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           ANDREA KRISTIN SCALF, L.P.N. REINSTATEMENT APPLICANT**  
**a.k.a. Andrea Kristin Meister**  
**a.k.a. Andrea K. Vernon**  
**a.k.a. Andrea Scalf Lynch**  
**License Number:   0002-057447**  
**Suspension Date:   October 6, 2010**  
**Case Number:       174655**

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

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**You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing (“Board”) regarding your application for reinstatement of your license to practice practical nursing in the Commonwealth of Virginia following its suspension by the Board.**

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| <b>TYPE OF PROCEEDING:</b> | This is a formal administrative hearing before a panel of the Board.  |
| <b>DATE AND TIME:</b>      | <b>May 18, 2017</b><br><b>2:00 P.M.</b>   |
| <b>PLACE:</b>              | Virginia Department of Health Professions<br>Perimeter Center - 9960 Mayland Drive<br>2 <sup>nd</sup> Floor - Virginia Conference Center<br>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. The burden rests on you, as the applicant, to demonstrate that you are prepared to resume the safe and competent practice of practical nursing.
3. In considering your application, the Board will consider evidence that grounds exist to deny your application for reinstatement of your license to practice practical nursing, as more fully set out in the enclosed Statement of Allegations.
4. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:
  - Approve your application and issue an unrestricted license to practice practical nursing;
  - Approve your application and issue a reprimand, a monetary penalty, and/or a restricted license subject to terms and conditions;

- Deny your application;
- Deny your application and continue your license on indefinite suspension or revoke your license.

#### **ABSENCE OF APPLICANT AND APPLICANT'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.

#### **APPLICANT'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 8, 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 10, 2017**. If no objections have been received by **May 10, 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 12, 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 8, 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 8, 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 8, 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 8, 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 8, 2017**.

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**STATEMENT OF ALLEGATIONS**

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The Board alleges that grounds exist to refuse to reinstate the license of Andrea Kristin Scalf, L.P.N. to practice practical nursing in that:

1. Ms. Scalf violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to substance abuse, as evidenced by the following:

a. Prescription Monitoring Program (“PMP”) reports for the period from October 2010 through September 2016 reflect that Ms. Scalf filled 184 prescriptions for controlled substances, from 35 different providers, and 8 different pharmacies.

b. Ms. Scalf exhibited drug seeking behavior, as evidenced by the following:

i. On or about January 13, 2015, Ms. Scalf was treated for a headache at Harrisonburg Medical Associates, Inc., Harrisonburg, Virginia, where she requested narcotic pain medications. The doctor declined to prescribe her controlled substances and noted that in the past Ms. Scalf had used the emergency room every other day for migraines.

ii. On or about March 23, 2013, following treatment at the emergency room at RMH Healthcare for a headache, Ms. Scalf requested a prescription for Fioricet to take home but was denied. The doctor noted that Ms. Scalf repeatedly requested narcotics to take home with her upon discharge.

iii. On or about November 3, 2012, Ms. Scalf reported to the emergency room at Shenandoah Memorial Hospital, Woodstock, Virginia, and misrepresented to a nurse that the emergency room doctor had contacted her primary care physician who advised that she was to receive narcotics. The doctor noted that he suspected drug seeking behavior.

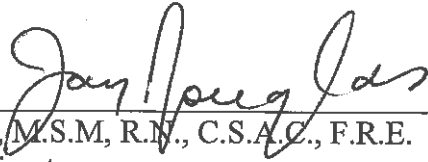
iv. On or about on November 6, 2012, Ms. Scalf reported to the emergency room at RMH Healthcare, Harrisonburg, Virginia, for migraines. Ms. Scalf told the doctor that Dilaudid worked really great, and was administered Dilaudid. However, the doctor denied her request for additional narcotics upon discharge. Ms. Scalf was told she could obtain them if necessary from either her family doctor or neurologist if appropriate. The doctor stated that Ms. Scalf had a routine where she sought narcotics for an exposed nerve in her tooth. He has told her twice that the emergency room was not the appropriate place to handle this matter.

c. Between September 2014 and October 2014, Ms. Scalf had opioid/pain management contracts during the same time period with two providers, Sentara RMH Medical Group, Harrisonburg, Virginia, for treatment of lumbar degenerative disk disease, and Valley Health Rehabilitation Services, Woodstock, Virginia, for chronic pain management. Neither provider was aware that Ms. Scalf was receiving prescription pain medications from the other.

i. On or about September 24, 2014, Ms. Scalf's doctor with Sentara RMH Medical Group indicated that he suspected she was diverting Percocet (oxycodone/acetaminophen, C-II). Ms. Scalf's opioid contract required her to bring all of her prescriptions to each appointment. The doctor asked Ms. Scalf to produce her Percocet prescription. Ms. Scalf stated that she had left it in the car. She returned with a bottle which had Percocet handwritten on it. The medication inside was in fact gabapentin. Ms. Scalf was dismissed from this practice.

ii. On or about October 23, 2014, Ms. Scalf was dismissed from her opioid contract with Valley Health Rehabilitation Services, Woodstock, Virginia, when it was discovered that she had obtained Percocet on two occasions from her doctor with Sentara RMH Medical Group who stated he was unaware of Ms. Scalf's concurrent opioid contract with Valley Health Rehabilitation Services.

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



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

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Date *April 25<sup>th</sup>, 2017*