### VIRGINIA:

## BEFORE THE BOARD OF NURSING

#### IN RE:

# ANDREA VERNON, L.P.N.

Pursuant to §§2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on September 16, 2010, in Henrico County, Virginia, to inquire into evidence that Andrea Vernon, L.P.N., may have violated certain laws governing the practice of nursing in Virginia. The case was presented by Wendell Roberts, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Andrea Vernon, L.P.N., was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

# FINDINGS OF FACT

- 1. Andrea K. Vernon, L.P.N., was issued License No. 0002-057447 to practice practical nursing by the Virginia Board of Nursing on February 19, 1999. Said license is set to expire on July 31, 2011. Ms. Vernon's primary state of residence is the Commonwealth of Virginia.
- 2. Based upon the representations of Wendell Roberts, Adjudication Specialist, and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Statement of Particulars, and Commonwealth's Exhibit #2, the Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to Ms. Vernon and the hearing proceeded in her absence.
- 3. On November 20, 2009, Ms. Vernon took a urine drug screen ("UDS") at the request of her employer, Mary Washington Hospital, Fredericksburg, Virginia, after she was suspected of drug diversion. The UDS showed the presence of oxycodone (Schedule II),

butalbital (Schedule III), hyrdomorphone (Schedule II), and oxymorphone (Schedule II). After reviewing the results from the UDS, Mary Washington Hospital administrators requested that Ms. Vernon take a blood test to quantify the specific amounts of each medication present. Ms. Vernon refused to take the blood test. As a result of her refusal to take the blood test, Ms. Vernon's employment was terminated on November 20, 2009.

- 4. In an interview with an investigator from the Department of Health Professions, the Mary Washington Hospital Associate Director of Wellness stated that after receiving the UDS results, Ms. Vernon stated that "she wanted help getting off narcotics."
- 5. According to the Virginia Prescription Monitoring Program Report, over the 12 month period between December 2008 and November 2009, Ms. Vernon obtained 45 prescriptions for pain medication from 11 different providers, and made purchases from nine different pharmacies. One of Ms. Vernon's treatment providers terminated her care because she violated a "pain agreement" by failing to notify him that she had obtained prescriptions for pain medication from another provider at the same time that he was prescribing pain medication.

### CONCLUSIONS OF LAW

Findings of Fact Nos. 3, 4, and 5 constitute a violation of §54.1-3007(6) of the Code.

#### ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

- 1. License No. 0002-057447 issued to Andrea Vernon, L.P.N., to practice as a practical nurse in the Commonwealth of Virginia is INDEFINITELY SUSPENDED for not less that two years.
  - 2. The license will be recorded as suspended.
  - 3. At such time as Ms. Vernon shall petition the Board for reinstatement of her license,

Order – Andrea Vernon, L.P.N. Page 3 of 3

an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Vernon shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

4. This suspension applies to any multistate privilege to practice practical nursing.

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 on request.

FOR THE BOARD

Jay P. Douglas, R.N., M.S.M., C.S.A.C.

**Executive Director** 

Virginia Board of Nursing

entered 6 1000

# NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

Virginia Board of Nursing