

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: MALORY JOYCE EANES, L.P.N.**  
**License Number: 0002-085802**  
**Case Number: 173460, 175074**

**RATIFICATION AND ORDER**

On May 17, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Malory Joyce Eanes, L.P.N., was not present nor was she represented by legal counsel.

The Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

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 and copying upon request.

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

Since Ms. Eanes failed to appear at the informal conference, this Order shall be considered final. Ms. Eanes has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Eanes has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD

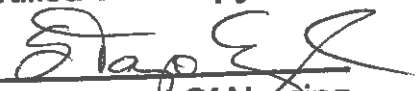


SD Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

ENTERED AND MAILED ON:

May 30, 2017

Certified True Copy

By   
Virginia Board Of Nursing

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**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Judith E. Piersall, R.N., B.S.N., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on March 7, 2017 in Henrico County, Virginia, to inquire into evidence that Malory Joyce Eanes, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Ms. Eanes did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

**Notice**

By letter dated February 8, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Eanes notifying her that an informal conference would be held on March 7, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The certified mail receipt was signed and returned to the Board office. The Notice sent by first class mail was not returned to the Board office. Ms. Eanes contacted the Board office asking about a continuance, but she did not submit a written request or supporting documentation. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Eanes and the informal conference proceeded in her absence.

### Recommended Findings of Fact and Conclusions of Law

1. Malory Joyce Eanes, L.P.N., was issued License Number 0002-085802 to practice practical nursing on September 21, 2011, which is scheduled to expire on September 30, 2018. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.

2. Ms. Eanes violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice practical nursing due to mental illness, substance abuse, chemical dependency, and/or physical illness, as evidenced by the following:

a. On May 23, 2016, at the request of an investigator for the Department of Health Professions, Ms. Eanes submitted to a urine drug screen that was positive for marijuana. Ms. Eanes subsequently admitted to smoking marijuana in April 2016.

b. On July 7, 2016, Ms. Eanes received emergency treatment at the Roanoke Memorial Hospital, Roanoke, Virginia, for suicidal ideation and chronic hip pain. Ms. Eanes' diagnoses included major depressive disorder, single episode, unspecified; other chronic pain; pain in left hip; cannabis use, unspecified, uncomplicated; and personal history of self-harm.

c. Between July 7, 2016 and July 11, 2016, Ms. Eanes received inpatient psychiatric treatment at Carilion Clinic, Roanoke Rehab Building, Roanoke, Virginia. Her discharge diagnosis was major depressive disorder, severe recurrent, without psychotic features.

d. Between July 15, 2016 and July 18, 2016, Ms. Eanes received inpatient psychiatric treatment at Carilion Clinic, New River Valley Medical Center, Christiansburg, Virginia, pursuant to a temporary detention order. Her discharge diagnoses included major depressive disorder, recurrent, severe, without psychotic features and polysubstance abuse by history.

e. On July 15, 2016, after being admitted to the New River Valley Medical Center, Ms. Eanes submitted to a urine drug screen that was positive for marijuana.

f. In a letter to an investigator for the Department of Health Professions dated October 26, 2016, Ms. Eanes' physician from Carilion Family Medicine, Salem, Virginia, wrote that he had terminated her controlled substance agreement and that he would no longer prescribe her controlled substances following an abnormal urine drug screen on October 7, 2016. The physician had been treating Ms. Eanes since 2013 for ADHD and pain with Adderall (amphetamine, C-II) and Norco (hydrocodone, C-II).

4. Ms. Eanes violated Virginia Code § 54.1-3007(5) and (6) in that during the course of her employment with Franklin Health and Rehab, Rocky Mount, Virginia, on July 12, 2012, she reported to work smelling of alcohol and made comments about drinking before coming to work. In addition, she was observed by multiple coworkers behaving inappropriately by cursing, talking loudly, inappropriately touching a coworker, and acting and becoming confrontational and insubordinate when questioned about her behavior.

5. Ms. Eanes violated Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(e) effective February 24, 2017), in that she provided incomplete or inaccurate information in connection with employment applications, as evidenced by the following:

a. On her application for employment with Pheasant Ridge Nursing and Rehabilitation Center dated December 8, 2015, Ms. Eanes omitted her previous employment with Franklin Health and Rehab, where she worked from on April 10, 2012 until her employment was terminated on July 19, 2012 due to the conduct described in Finding of Fact No. 4.

b. On her application for employment with Richfield Retirement Community, Salem, Virginia dated March 9, 2015, Ms. Eanes falsely answered “no” to a question asking if she had ever been discharged or asked to resign from a position. In fact, Ms. Eanes’ employment with Franklin Health and Rehab had been terminated on July 19, 2012 due to the conduct described in Finding of Fact No. 4.

6. Ms. Eanes’ last known nursing employment was at Pheasant Ridge Nursing and Rehabilitation Center where her employment was terminated in April 2016, after she failed to return to work after being questioned about missing medication. As of her June 30, 2016 interview with the DHP Investigator, Ms. Eanes was not employed.

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

#### **Recommended Order**

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. Malory Joyce Eanes, L.P.N., is REPRIMANDED.
2. The license of Ms. Eanes to practice practical nursing is SUSPENDED.
3. The license will be recorded as suspended.
4. This suspension applies to any multistate privilege to practice practical nursing.
5. Should Ms. Eanes seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Eanes to demonstrate that she is safe and competent to return to the practice of practical nursing. Ms. Eanes 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.

6. The suspension shall be STAYED upon proof of Ms. Eanes' entry into a Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP").
7. Upon stay of the suspension, Ms. Eanes shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
8. Upon receipt of evidence of Ms. Eanes' participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Eanes' appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.
9. This Order is applicable to Ms. Eanes' multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Eanes 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 she seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.
10. Ms. Eanes shall comply with all laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.
11. 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 Ms. Eanes and the license shall be recorded as suspended. After any rescission of the stay of suspension, Ms. Eanes may, within 33 days of the effective date of the rescission, request a formal administrative hearing before the Board.

Reviewed and approved on March 31, 2017  
By Judith E. Piersall, R.N., B.S.N.  
Agency Subordinate

Certified True Copy

By   
Virginia Board Of Nursing