

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TAMARA JEAN PAULEY, L.P.N.
License Number: 0002-089307
Issue Date: July 15, 2013
Expiration Date: July 31, 2017
Case Number: 172786, 172902, and 172943

**AMENDED 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 practical 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 1:00 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;
 - Suspend your license;
 - 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, Tamara Jean Pauley, L.P.N., was licensed to practice practical nursing in the Commonwealth of Virginia.

2. Tamara Jean Pauley, L.P.N., 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 (“Regulations”) (currently found at 18 VAC 90-19-230(A)(2)(c), (e), and (f), effective February 24, 2017), in that, during the course of her assignment with Pheasant Ridge Nursing and Rehabilitation Center, Roanoke, Virginia, through her employer Maxim Healthcare, on or about February 25, 2016, she diverted oxycodone (C-II) and diazepam (C-IV) for her own personal and unauthorized use, as evidenced by the following:

a. On three occasions at approximately 11:00 a.m., 5:00 p.m., and 9:00 p.m., Ms. Pauley removed two 10mg oxycodone tablets for Patient A, who was prescribed one 10mg oxycodone tablet every six hours, as needed. In addition, she documented the administration of the medication but did not document the time of administration.

b. Ms. Pauley documented withdrawing diazepam 2mg at approximately 8:00 p.m. for Patient B, who was prescribed one 2mg tablet three times a day as needed, and documented the administration of the medication, but did not document the time of administration. The nurse who relieved Ms. Pauley noted that Patient B, with whom she was very familiar, was awake all night, and that Patient B would normally sleep following the administration of diazepam.

3. Ms. Pauley 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 (currently found at 18 VAC 90-19-230(A)(2)(c), (e), and

(f), effective February 24, 2017), in that, during the course of her assignment with Friendship Health and Rehabilitation Center, Roanoke, Virginia, between or about February 8 and March 7, 2016, she diverted oxycodone, hydrocodone (C-III), and fentanyl (C-II) for her own personal and unauthorized use, as evidenced by the following:

a. On or about February 15, 2016, at approximately 4:00 p.m., Ms. Pauley documented the removal of two tablets of oxycodone 5mg for Patient C, who was prescribed one tablet oxycodone 5mg every six hours, as needed for pain. Ms. Pauley documented the witnessed waste of one tablet. However, Ms. Pauley failed to document the administration, waste, or return of the remaining tablet of oxycodone 5mg.

b. On or about February 26, 2016, Ms. Pauley documented in the MAR the application of a fentanyl patch 25mcg/hr to Patient D, who was prescribed one new 25mcg/hr patch every 72 hours. Ms. Pauley failed to document the withdrawal of the fentanyl patch on the Narcotic Count Sheet. Patient D reported that her fentanyl patch had not been replaced by Ms. Pauley. The oncoming nurse examined the existing patch, which was dated February 23, 2016 and initialed by a nurse other than Ms. Pauley.

c. On or about February 28, 2016, Ms. Pauley documented the withdrawal and waste of two tablets of oxycodone 5mg without specifying the time of the withdrawal, and without a witness to the waste, for Patient D, who was prescribed two tablets every four hours as needed.

d. On or about February 18, 2016 at approximately 10:00 p.m., Ms. Pauley documented the withdrawal and administration of one tablet of hydrocodone 10mg for Patient E, who was prescribed one tablet every four hours. Patient E reported to the oncoming nurse that she had not received her pain medication.

e. On or about February 28, 2016, Ms. Pauley administered doses of 0.25ml oxycodone early, at approximately 6:40 p.m. and 9:49 p.m., to Patient F, who was prescribed 0.25ml oxycodone every six hours and every four hours as needed.

f. On or about February 18, 2016, at approximately 10:00 p.m., Ms. Pauley documented the administration of one tablet of hydrocodone 5mg to Patient G, who was prescribed one tablet three times a day. Patient G reported never receiving the hydrocodone.

4. Ms. Pauley 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 (currently found at 18 VAC 90-19-230(A)(2)(c), (e), and (f), effective February 24, 2017), in that, during the course of her assignment with Virginia Veterans Care Center, Roanoke, Virginia, through her employer Nursespring, Roanoke, Virginia, between or about March 1 to March 3, 2016, she diverted oxycodone, morphine (C-II) and fentanyl (C-II) for her own personal and unauthorized use, as evidenced by the following:

a. On or about March 1, 2016 at approximately 9:00 a.m., Ms. Pauley documented the withdrawal of one tablet of morphine 30mg for Patient H, who was prescribed one 30mg tablet every twelve hours at 9:00 a.m. and 9:00 p.m. Ms. Pauley was not scheduled to work on March 1, 2016, and she failed to document administration, return, or waste of the tablet.

b. On or about March 2, 2016 at approximately 5:00 p.m., Ms. Pauley documented the removal and application of a fentanyl patch 25mcg/hr for Patient H, who was prescribed one patch every three days. However, the nurse on the next shift could not locate the patch, and another was ordered and administered.

c. On or about March 1, 2016 at approximately 3:00 p.m., Ms. Pauley documented the withdrawal of one tablet of oxycodone 5mg for Patient I, who was prescribed one tablet every four

hours, as needed. Ms. Pauley was not scheduled to work on March 1, 2016, and she failed to document administration, return, or waste of the tablet.

d. On or about March 2, 2016 and March 3, 2016, between approximately 3:00 p.m. and 6:00 a.m., Ms. Pauley documented the withdrawal of seven tablets of oxycodone 5mg for Patient I and documented waste of five tablets. She failed to document administration, return, or waste of the remaining two tablets.

e. On or about March 3, 2016 at approximately 5:30 a.m., Ms. Pauley documented three separate withdrawals of two tablets (six total) of oxycodone 5mg for Patient J, who was prescribed two tablets every four hours, as needed. She documented wasting all six tablets.

f. On or about March 3, 2016 at approximately 7:00 a.m., Ms. Pauley documented the withdrawal of two tablets of oxycodone 5mg for Patient J, and failed to document any administration, return, or waste of the tablets.

5. Ms. Pauley violated Virginia Code § 54.1-3007(2), (5), (6), and (8) and 18 VAC 90-20-300(A)(2)(c) and (f) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(c) and (f), effective February 24, 2017), in that, by her own admission, during the course of her employment as a private duty nurse in Bedford County, Virginia, between November 2015 and December 2015, she diverted narcotic medications from the supply of Patient K.

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

a. On or about December 13, 2015, Ms. Pauley received emergency treatment for opiate withdrawal at Centra Lynchburg General Hospital, Lynchburg, Virginia. Her admission diagnoses included panic disorder and opioid use, unspecified with withdrawal.


b. On or about March 31, 2016, Ms. Pauley told an investigator for the Department of Health Professions that her December 13, 2015 hospitalization was a result of her overdosing on the medication she had diverted from Patient K.

c. On or about February 1, 2016, Ms. Pauley's treatment provider at Carilion Clinic, Bedford, Virginia, wrote that she would no longer prescribe narcotics to Ms. Pauley because Ms. Pauley had shown "clear signs of addiction and abuse of these medications."

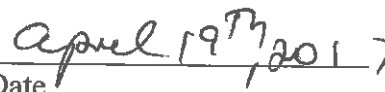
d. Beginning in July 2015, Ms. Pauley received treatment from Medical Associates of Central Virginia, Lynchburg, Virginia, for bipolar disorder, anxiety, and depression.

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

See Confidential Attachment for the names of the patients referenced above.



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



Date