

**BEFORE THE VIRGINIA COMMITTEE OF THE JOINT BOARDS OF NURSING AND
MEDICINE**

**IN RE: Traci M. Colley, L.N.P.
License No.: 0024-165103
Case Number: 170084**

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), an Agency Subordinate of the Virginia Committee of the Joint Boards of Nursing and Medicine (“Committee”) held an informal conference on January 12, 2017 in Henrico County, Virginia, to inquire into allegations that Traci M. Colley, L.N.P., may have violated certain laws and regulations governing the practice of a nurse practitioner in Virginia.

Ms. Colley appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated December 14, 2016, the Committee of the Joint Boards of Nursing and Medicine sent a Notice of Informal Conference (“Notice”) to Ms. Colley notifying her that an informal conference would be held on January 12, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

COMMITTEE’S CONSIDERATION OF AGENCY SUBORDINATE’S RECOMMENDATION

The Committee met regarding this matter on April 12, 2017. Ms. Colley was not present nor was she represented by legal counsel.. In consideration whereof, the Board makes the following Findings of Fact and Conclusions of Law and issues the ORDER contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Traci M. Colley, L.N.P., was issued License Number 0024-165103 to practice as a nurse practitioner on February 20, 2002, which is scheduled to expire on June 30, 2017. At all times relevant to the findings herein, said license was in full force and effect.
2. On December 10, 2013, the Committee of the Joint Boards entered an Order (“Committee of the Joint Boards’ Order”) taking no action against Ms. Colley’s license contingent upon her continued compliance with the Health Practitioners’ Monitoring Program (“HPMP”), with which she had signed a Participation Contract on March 28, 2013. Term No. 1 of the Committee of the Joint Boards’ Order required her to remain compliant with HPMP for the period specified by HPMP.
3. Ms. Colley violated Term No. 1 of the Committee of the Joint Boards’ Order and Virginia Code 54.1-3007(6) in that on February 5, 2016, she was dismissed from the HPMP for noncompliance with her program contract, including failure to comply with the toxicology screening program.
4. Ms. Colley was initially compliant with HPMP. HPMP rescinded her approval to work following a relapse of her substance abuse in September 2015 which resulted in her termination from Martinsville Anesthesia. In November 2015, Ms. Colley submitted her resignation from HPMP for financial reasons.
5. Ms. Colley is currently receiving individual therapy once a month and group therapy once a week, all of which is subsidized. She attends Alcoholics Anonymous meetings regularly and has a sponsor. She is subject to regular random drug screens through her therapist. She stated that her sobriety date is September 15, 2015. She stated that her current focus is on her sobriety and acknowledged she is not ready to work as a nurse practitioner at this time, but plans to return to professional nursing practice in the future. She stated that she is willing to be monitored at that time.

6. Ms. Colley is currently employed in a non-health-care setting. She allowed her national certification as a nurse anesthetist to expire.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Committee Orders as follows:

1. Traci M. Colley, L.N.P., is REPRIMANDED.
2. The license of Traci M. Colley, L.N.P., to practice as a nurse practitioner is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended.
4. Should Ms. Colley seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Colley to demonstrate that she is safe and competent to return to the practice of a nurse practitioner. Ms. Colley 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.
5. The suspension shall be STAYED contingent upon:
 - a. Proof of Ms. Colley's re-entry into a Contract with the Health Practitioners' Monitoring Program ("HPMP").
 - b. Proof of current professional certification in nurse anesthesia from a certifying agency designated in 18 VAC 90-30-90 of the Regulations Governing the Licensure of Nurse Practitioners ("Regulations") or, in the alternative, written proof of completion of at least 40 hours of continuing education in the area of nurse anesthesia approved by one of the certifying entities designated in 18 VAC 90-30-90 of the Regulations prior to her suspension being lifted or prior to her reinstatement.

6. Upon stay of the suspension, Ms. Colley shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

7. Upon receipt of evidence of Ms. Colley's participation in and successful completion of the terms specified by the HPMP, the Committee of the Joint Boards, at its discretion, may waive Ms. Colley's appearance before the Committee of the Joint Boards and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.


8. Ms. Colley shall comply with all laws and regulations governing the practice of a nurse practitioner in the Commonwealth of Virginia.

9. 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. Colley, and the license shall be recorded as suspended. After any rescission of the stay of suspension, Ms. Colley may, within 33 days of the effective date of the rescission, request a formal administrative hearing before the Committee of the Joint Boards.

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.

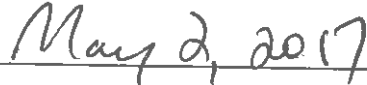
Pursuant to Virginia Code § 54.1-2400(10), Ms. Colley may, not later than 5:00 p.m., on June 4, 2017, notify Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Committee. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:




Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Committee of the Joint Boards of
Nursing and Medicine

ENTERED AND MAILED ON:



This Order shall become final on June 4, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board of Nursing