

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: REBECCA J. MONK, R.N. REINSTATEMENT APPLICANT
License No.: 0001-168053

ORDER

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 January 28, 2016, in Henrico County, Virginia, to receive and act upon the application of Rebecca J. Monk for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended on March 4, 2015, and to inquire into evidence that Ms. Monk may have violated certain laws governing professional nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Monk was 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. Rebecca J. Monk, R.N., was issued License No. 0001-168053 to practice professional nursing in the Commonwealth of Virginia on May 24, 2000. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on March 4, 2015. Her primary state of residence is Virginia.
2. Ms. Monk submitted an application for reinstatement of her license to the Board on October 23, 2015.
3. On February 9, 2015, in the United States District Court, Western District of Virginia, Ms. Monk was convicted of conspiracy to commit wire fraud, a felony. Said action formed the basis of the

mandatory suspension of Ms. Monk's license to practice professional nursing in Virginia.

4. Ms. Monk was placed on probation for three years, ordered to pay a monetary penalty of \$100.00 and make restitution in the amount of \$44,970.00. Ms. Monk testified that she has not made any payments towards the balance of either amount.

5. During the course of her employment with Johnston Memorial Hospital, Abingdon, Virginia, from September 5, 2000 to February 18, 2012, Ms. Monk was counseled on numerous occasions for rude and unprofessional behavior, including yelling that she did not have time to change a patient's intravenous line in the presence of the patient, his family members and staff, threatening to hit a patient in the presence of the patient and staff, and failing to direct staff immediately to the room of a patient who verbalized suicidal ideations.

6. Ms. Monk's employment with Johnston Memorial Hospital was terminated on February 12, 2012, due to continued behavioral and performance issues.

7. During the course of her employment with National Health Care, Bristol, Virginia, from March 1, 2012 to October 21, 2013, Ms. Monk was counseled for multiple standard of care issues including failing to perform and document wound care, failing to notify appropriate staff regarding a change in a resident's status, failing to correct orders and failing to make necessary interventions for residents with fall risks.

8. Ms. Monk's employment with National Health Care was terminated on October 13, 2013, for failing to comply with the cellphone policy.

9. Ms. Monk reported that she is in therapy with a licensed professional counselor. She sees her counselor once a month and believes counseling is helping her. She is prescribed Zoloft.

10. Ms. Monk submitted evidence of 15.5 hours of continuing education.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code.
2. Findings of Fact Nos. 5 and 7 constitute a violation of § 54.1-3007(5) of the Code.
3. Finding of Fact No. 9 constitutes a violation of § 54.1-3007(6) of the Code.
4. Ms. Monk has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner, with certain restrictions.

ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS that License No. 0001-168053 issued to Rebecca J. Monk to practice professional nursing in the Commonwealth of Virginia, be and hereby is REINSTATED on PROBATION for not less than one year of actual nursing employment, subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Monk has completed one year of active employment as a professional nurse. The license of Rebecca J. Monk shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400.9 et seq. of the Code.

2. Ms. Monk shall continue in therapy with her mental health counselor and shall comply with any recommendations of the counselor. Written progress reports by the therapist shall be sent to the Board until Ms. Monk is discharged from therapy. Ms. Monk shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

3. Ms. Monk shall request her court-appointed probation officer to provide the Board with a written report describing how she is meeting the conditions of her probation, including the status of payment of restitution, within 60 days from the date this Order is entered and quarterly thereafter.
4. Performance Evaluations shall be provided to the Board, at the direction of Ms. Monk, by all practice employer(s), using the forms provided by Compliance and available on the Board's website.
5. Ms. Monk shall return all copies of her license to practice as a professional nurse to the Board office within ten days of the date of entry of this Order, along with payment of a duplicate license fee as specified in the Regulations Governing the Practice of Nursing. Upon receipt, the Board shall issue a replacement professional nurse license marked "Valid in Virginia Only; Probation with Terms."
6. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. Many of the required report forms are available on the Board's website for your convenience.
7. Ms. Monk shall inform the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. Monk shall provide a contact name, address, and phone number for each practice employer to the Board.
8. Ms. Monk shall inform all current and future practice employers that the Board has placed her on probation and Ms. Monk shall provide each practice employer with a complete copy of this Order. If Ms. Monk is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
9. Ms. Monk shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an *Authorization for Disclosure of Information* form providing for unrestricted communication between the Board, Compliance and any treatment providers, court-appointed probation or

parole officers and/or any consultants designated by the Board, if applicable.

10. Ms. Monk shall submit "Self-Reports" which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self-Reports must be submitted whether Ms. Monk has current practice employment or not.

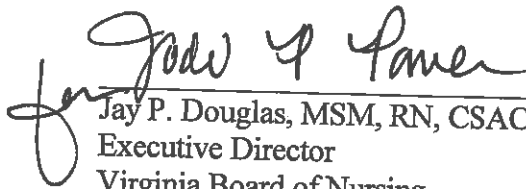
11. Ms. Monk shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

12. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Monk, and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

13. This Order shall be applicable to Ms. Monk's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Monk shall not practice outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the express written permission of both the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

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, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

February 18, 2016
ENTERED

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, MSM, RN, CSAC, FRE, 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
By 

Virginia Board Of Nursing