

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MEGAN SUTTON HARDESTY, R.N.
License Number: 0001-241143
Expiration Date: August 31, 2018
Case Number: 174289

**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing (“Board”) regarding your license to practice professional nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board.
DATE AND TIME:	November 1, 2016 at 9:00 a.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 informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice professional nursing in the Commonwealth;
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

Board's Review of Agency Subordinate's Recommended Decision

If you appear in person or by counsel at the informal conference, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you fail to appear in person or by counsel at the informal conference, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Agency Subordinate 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 Agency Subordinate will rely in making a decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

INFORMAL CONFERENCE MATERIALS:

Enclosed is a copy of the documents that will be considered by the Agency Subordinate 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 informal conference.**

FILING DEADLINES:

1. Deadline for filing materials: **October 25, 2016**. Submit five copies of all documents you want the Board to consider to Brenda Krohn, R.N., Deputy Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including requests for continuance or objections to materials, in writing, to Brenda Krohn, R.N., Deputy Executive Director, at the above address: October 25, 2016. NOTE: the failure to object to materials does not deprive you of the right to contest their contents at the proceeding.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **October 25, 2016**, 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 **October 25, 2016**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Megan Sutton Hardesty, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.
2. Megan Hardesty, R.N. violated Virginia Code § 54.1-3007(5) and (6) in that during the course of her employment with CJW Medical Center – Johnston Willis Hospital, Richmond, Virginia:
 - a. On or about May 28, 2016, two of Ms. Hardesty's patients asked that Ms. Hardesty be removed from their care for possible impairment and incompetence. Hospital staff observed that Ms. Hardesty had slurred speech, was clumsy, was dropping things, appeared dazed and confused, and was swaying, unsteady, and unable to walk without assistance. Ms. Hardesty's nursing notes on the whiteboard did not make sense. Ms. Hardesty submitted to a reasonable suspicion urine drug screen which was positive for amphetamines (on one test) and benzodiazepines including alprazolam (C-IV), for which Ms. Hardesty had a prescription. The screen was also positive for oxazepam (C-IV) for which Ms. Hardesty did not have a prescription, and for marijuana metabolite.
 - b. Between on or about May 23, 2016 and May 24, 2016, Ms. Hardesty was observed to be crying throughout her shifts. Ms. Hardesty expressed concerns to her ER Director about not being sure of herself or having the skills to work on the ER. She also said she was experiencing dizziness.
3. Megan Hardesty, R.N. violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to substance abuse and mental illness, as evidenced by the following:
 - a. Ms. Hardesty has a history of alcohol abuse, as evidenced by her conviction on October 7, 2015 in the General District Court for the County of Henrico, Virginia, for disorderly

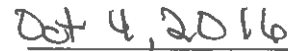
conduct, a misdemeanor. Ms. Hardesty admitted that this offense, which involved her pushing a police officer, occurred while she was out drinking at a bar. Ms. Hardesty's psychiatrist, in a letter to the Court dated October 1, 2015, indicated that Ms. Hardesty suffered from emotional distress which was instrumental in an episode of alcohol abuse and with the altercation with police in the bar. Ms. Hardesty also revealed that she was involved in a motor vehicle accident in 2004, for which she was charged with driving under the influence.

b. Between March and May 2016, Ms. Hardesty's primary care physician diagnosed her with attention deficit disorder, depressive disorder, anxiety, panic disorder with agoraphobia, and confusion.

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



Brenda Krohn, R.N., M.S.
Deputy Executive Director
Virginia Board of Nursing



Date