

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MEGAN SUTTON HARDESTY, R.N.

License Number: 0001-241143

Case Number: 174289

RATIFICATION AND ORDER

On March 22, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Megan Sutton Hardesty, R.N., was not present nor was she represented by legal counsel.

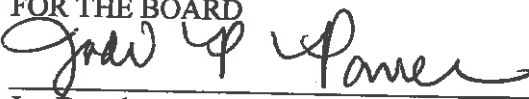
In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

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. Hardesty's health records or health services.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Hardesty may, not later than 5:00 p.m., on May 2, 2017, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD



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

ENTERED AND MAILED ON:

March 30, 2017

This Order shall become final on May 2, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board Of Nursing

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MEGAN SUTTON HARDESTY, R.N.
License Number: 0001-241143
Case Number: 174289

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Judith Piersall, R.N., B.S.N., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on January 18, 2017 in Henrico County, Virginia, to inquire into evidence that Megan Sutton Hardesty, R.N., may have violated certain laws and regulations governing the practice of nursing in the Commonwealth of Virginia.

Ms. Hardesty appeared at this proceeding and was represented by Nancy Newman, Esquire.

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 October 4, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Hardesty notifying her that an informal conference would be held on November 1, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. Ms. Hardesty requested and was granted a continuance. By letter dated October 27, 2016, sent by certified and first class mail to the legal address of record on file with the Board, Ms. Hardesty was notified that the matter had been continued to January 18, 2017.

Recommended Findings of Fact and Conclusions of Law

1. Megan Sutton Hardesty, R.N., was issued License Number 0001-241143 to practice professional nursing on October 15, 2012, which is scheduled to expire on August 31, 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. Hardesty violated Virginia Code §§ 54.1-3007(5) and (6) in that during the course of her employment with the Emergency Department of CJW Medical Center – Johnston Willis Hospital, Richmond, Virginia (“CJW”):
 - a. On 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 May 23, 2016 and May 24, 2016, Ms. Hardesty was observed to be crying throughout her shifts. Ms. Hardesty expressed concerns to the Emergency Room Director about not being sure of herself or having the skills to work in the Emergency Room. She also said she was experiencing dizziness.
3. At the informal conference, Ms. Hardesty denied having taken any intoxicating substances. and attributed her appearance and demeanor at CJW in May 2016 to being tired from changing shifts and to hip and ankle pain. Further, she stated that she had just started taking steroids

for bursitis, and that the medication caused severe side effects including emotional lability and crying. She did acknowledge that she was also taking prescribed Adderall, Xanax, Seroquel, atenolol, Effexor, anti-inflammatories, and diuretics.

4. Ms. Hardesty's employment with CJW was terminated on June 17, 2016.

5. 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.

6. 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.

7. Ms. Hardesty stated that she last consumed alcohol on the night she was arrested in 2015. She still takes all of the medications noted in Finding of Fact No. 3, except that she has switched from Effexor to Lexapro. All medications are prescribed by her primary care physician. She stated that she has begun seeing a psychologist weekly for individual counseling. She presented a letter from Dr. David Israel, L.C.P., who indicated that based on interview and responses to tests, he did not see anything "in her past and current behavior that would negatively impact her ability to be a competent nurse and medical caretaker of others." However, Dr. Israel did not specify the tests he performed or the information on which he based his opinion.

8. A Prescription Monitoring Program report dated June 24, 2016, indicates that on October 15, 2015, Ms. Hardesty filled two prescriptions for benzodiazepines that had been written by two different prescribers on August 25 and September 22, 2015.

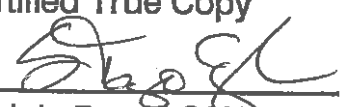
9. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Hardesty's health records or health services.

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. Megan Sutton Hardesty, R.N., is REPRIMANDED.
2. Ms. Hardesty shall undergo a psychological evaluation and a chemical dependency evaluation conducted by a Board-approved specialist who holds an unrestricted license, and have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any other recommendations sent to the Board, within 90 days of the entry of this Order. Ms. Hardesty shall provide proof to the Board that she has provided the specialist with a complete copy of this Order. Ms. Hardesty shall execute all releases necessary for unrestricted communication between the specialist and the Board and shall bear all costs associated with the evaluation. Upon receipt of the required report, the Board shall conduct a review of this matter and may either schedule an additional administrative proceeding to consider the evaluation and make a final disposition of the matter or close the matter without a further proceeding.
3. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of nursing shall constitute grounds for further disciplinary action.

Reviewed and approved on February 9, 2017
By Judith Piersall, R.N., B.S.N.
Agency Subordinate

Certified True Copy
By 
Virginia Board Of Nursing