

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JASON PERSINGER, R.N.
License Number: 0001-254419
Case Number: 173417

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. Jason Persinger, R.N., was not present nor was he 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 Mr. Persinger's health records or health services.

Since Mr. Persinger failed to appear at the informal conference, this Order shall be considered final. Mr. Persinger has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Mr. Persinger has thirty days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

Certified True Copy

By 
Virginia Board Of Nursing

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

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JASON PERSINGER, R.N.
License Number: 0001-254419
Case Number: 173417

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 Jason Persinger, R.N., may have violated certain laws and regulations governing the practice of nursing in the Commonwealth of Virginia.

Mr. Persinger did not appear at this proceeding and was not represented by legal counsel.

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 December 21, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Mr. Persinger notifying him that an informal conference would be held on January 18, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. According to the USPS tracking website, the Notice sent by certified mail was “out for delivery” as of January 4, 2017. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Mr. Persinger and the informal conference proceeded in his absence.

Recommended Findings of Fact and Conclusions of Law

1. Jason Persinger, R.N., was issued License Number 0001-254419 to practice professional nursing on September 17, 2014, which is scheduled to expire on July 31, 2017. At all times relevant to the findings herein, said license was in full force and effect. His primary state of residence is Virginia.
2. Mr. Persinger violated Virginia Code § 54.1-3007(6) in that he is unsafe to practice professional nursing due to substance abuse and/or mental illness, as evidenced by the following:
 - a. On April 14, 2016, he was admitted to the Center for Behavioral Health at LewisGale Medical Center, Salem, Virginia, after having strong thoughts of “shooting himself in the setting of opiate abuse.” During this admission, he stated that he diverted opiates at his place of work and ingested them while on duty. His discharge diagnoses included major depression, opioid withdrawal, opioid dependency, and anxiety disorder.
 - b. On May 12, 2016, he entered into a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”) in which he acknowledged that his opioid medication abuse may impair his ability to practice safely. He did not enter into a Recovery Monitoring Contract. He was urgently dismissed from the HPMP on August 18, 2016 for noncompliance, including failure to enter and complete treatment as recommended, failure to comply with the toxicology screening program, and failure to maintain contact with the HPMP.
3. Mr. Persinger violated Virginia Code § 54.1-3007(2), (5), and (6) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that during the course of his employment with the Veterans Affairs Medical Center, Salem, Virginia, between January and April 2016, he diverted narcotic medications for his personal and unauthorized use. He accomplished this

diversion by withdrawing medications, asking coworkers to witness the waste of excess or dropped medications, but failing to actually waste the medications and instead keeping them for himself.

4. Mr. Persinger did not respond to contact attempts by an investigator for the Department of Health Professions.

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

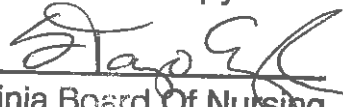
Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The license issued to Jason Persinger, R.N., to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Jason Persinger, R.N., will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Jason Persinger, R.N., seek reinstatement of his license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Mr. Persinger to demonstrate that he is safe and competent to return to the practice of professional nursing. Mr. Persinger 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.

Reviewed and approved on February 11, 2017
By Judith Piersall, R.N., B.S.N.
Agency Subordinate

Certified True Copy

By 
Virginia Board Of Nursing