

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TRACI M. COLLEY, R.N.  
License Number: 0001-133168  
Case Number: 170086

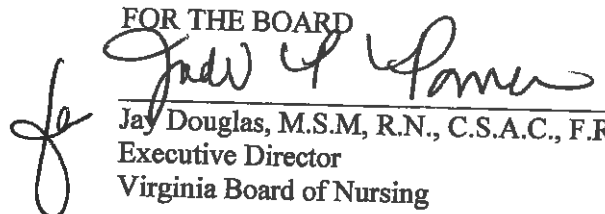
RATIFICATION AND ORDER

On March 22, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Traci M. Colley, 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(10), Ms. Colley may, not later than 5:00 p.m., on May 1, 2017, notify Jay 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 29, 2017

This Order shall become final on May 1, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy  
By   
Virginia Board Of Nursing

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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate of the Virginia Board of Nursing ("Board"), held an informal conference on January 12, 2017 in Henrico County, Virginia, to inquire into evidence that Traci M. Colley, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Colley appeared 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 14, 2016, the Board 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.

**Recommended Findings of Fact and Conclusions of Law**

1. Traci M. Colley, R.N., was issued License Number 0001-133168 to practice professional nursing on July 22, 1993, 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. Her primary state of residence is Virginia.

2. On December 10, 2013, the Board entered an Order (“Board’s 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 Board’s Order required her to remain compliant with HPMP for the period specified by HPMP.

3. Ms. Colley violated Term No. 1 of the Board’s 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 professional nurse 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.

### **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. Traci M. Colley, R.N., is REPRIMANDED.

2. The license of Ms. Colley to practice professional nursing is INDEFINITELY SUSPENDED.

3. The license will be recorded as suspended.

4. This suspension applies to any multistate privilege to practice professional nursing.

5. 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 professional nursing. 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.

6. The suspension shall be STAYED upon proof of Ms. Colley's re-entry into a Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP").

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

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

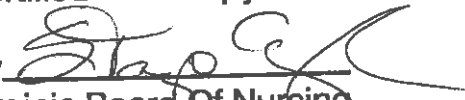
9. This Order is applicable to Ms. Colley's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Colley shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia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

10. Ms. Colley shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

11. 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 Board.

Reviewed and approved on February 26, 2017  
By Allison Gregory, M.S., R.N., F.N.P.-B.C.  
Agency Subordinate

Certified True Copy

By   
Virginia Board Of Nursing