

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ANNA CATHERINE CARDWELL, R.N.
License Number: 0001-260278
Case Number: 172909

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. Anna Catherine Cardwell, 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.

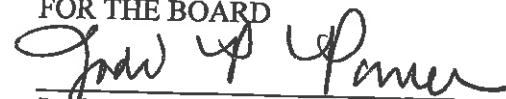
Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Cardwell's health records or health services.

Since Ms. Cardwell failed to appear at the informal conference, this Order shall be considered final. Ms. Cardwell 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, Ms. Cardwell has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay 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 29, 2017

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ANNA CATHERINE CARDWELL, R.N.
License Number: 0001-260278
Case Number: 172909

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

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 Anna Catherine Cardwell, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Cardwell 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 14, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Cardwell 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. The receipt for the Notice sent via certified mail was signed by a third party and returned to the Board office on January 4, 2017. The Notice sent via first-class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Cardwell and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Anna Catherine Cardwell, R.N., was issued License Number 0001-260278 to practice professional nursing on July 23, 2015, which is scheduled to expire on November 30, 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. Caldwell violated Virginia Code § 54.1-3007(2), (5), and (6) and 18 VAC 90-20-300(A)(2)(c) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(c), effective February 24, 2017) in that during the course of her employment with Carilion New River Valley Medical Center, Radford, Virginia, between November 2015 and February 2016, by her own admission, Ms. Caldwell diverted Dilaudid (C-II) for her personal and unauthorized use on approximately ten to fifteen occasions, which she accomplished by keeping wastage and failing to account for its disposition.

3. Ms. Caldwell's ten-month employment with Carilion New River Valley Medical Center was terminated on March 9, 2016.

4. Ms. Caldwell violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to substance abuse and/or mental and/or physical illness, as evidenced by the following:

a. Ms. Cardwell's increased withdrawal of narcotics from the Pyxis at work led to her employer requesting a for-cause employment drug screen, which was administered on February 22, 2016. Ms. Caldwell tested positive for marijuana and norfentanyl. This was a day she was scheduled to work an assigned shift.

b. Ms. Caldwell has been diagnosed with and is receiving treatment for post-traumatic stress disorder, bipolar disorder II, and panic disorder. However, she has not received any substance abuse treatment.

c. By her own admission, Ms. Caldwell became addicted to narcotics in 2015.

5. Although Ms. Cardwell denied using narcotics on duty, co-workers reported a change in her appearance and behavior. Ms. Cardwell stated in her interview with the investigator for the Department of Health Professions that her boyfriend had injected her with unknown substances, and she became dependent on narcotics as a result. This dependence led to her diversion from Carilion in November 2015.

6. Ms. Cardwell signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on November 8, 2016. On January 11, 2017, HPMP notified the Board that Ms. Cardwell was not in full compliance with her Participation Contract. She was placed on Warning Status on January 5, 2017, for failing to respond to HPMP contact and failing to inform HPMP of her treatment start date, when requested to enter by December 29, 2016. She has not signed a Recovery Monitoring Contract, and there is no evidence she has begun any substance abuse treatment.

7. As of September 2016, Ms. Cardwell was not employed as a nurse. Her current employment status is unknown.

8. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Cardwell'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 of Ms. Cardwell to practice professional nursing is **INDEFINITELY SUSPENDED**.
2. The license will be recorded as suspended.
3. This suspension applies to any multistate privilege to practice professional nursing.

4. Should Ms. Cardwell seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Cardwell to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. Cardwell 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.
5. The suspension shall be STAYED contingent upon Ms. Cardwell's continued compliance with the Virginia Health Practitioners' Monitoring Program ("HPMP").
6. Upon receipt of evidence of Ms. Cardwell's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Cardwell's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.
7. This Order is applicable to Ms. Cardwell's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Cardwell 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.
8. 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. Cardwell, and the license shall be recorded as suspended. After any rescission of the stay of suspension, Ms. Cardwell may, within 33 days of the effective date of the rescission, request a formal administrative hearing before the Board.
9. Ms. Cardwell shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Certified True Copy

By 
Virginia Board Of Nursing

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