

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: STEPHANIE OGDEN, R.N.
License No.: 0001-156793

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on March 8, 2012, in Henrico County, Virginia. Stephanie Ogden, R.N. was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 16, 2012, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Ogden was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Stephanie Ogden, R.N., was issued License No. 0001-156793 to practice professional nursing in Virginia on November 13, 1997. The license is scheduled to expire on March 31, 2014. Ms. Ogden's primary state of residence is Virginia.
2. By letter dated February 8, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Ogden notifying her that an informal conference would be held on March 8, 2012. The Notice was sent by certified and first class mail to 122 Majestic Circle, Amherst, Virginia 24521, the address of record on file with the Board of Nursing.
3. On September 19, 2011, during the course of her employment with UVA Lynchburg

Dialysis (“Lynchburg Dialysis”), Lynchburg, Virginia, Ms. Ogden stole two blank prescription forms from her employer and wrote prescriptions for Stadol in her name and in her husband’s name for her personal use.

4. On September 29, 2011, Ms. Ogden’s employment with Lynchburg Dialysis was terminated for violating their company policy of professional conduct related to stealing facility property and writing fraudulent prescriptions.

5. By her own admission, Ms. Ogden became dependent on Stadol nasal spray (Schedule IV) which was prescribed for migraine headaches. Further, on April 10, 2011, Ms. Ogden was admitted to Centra Health, Virginia Baptist Hospital, Lynchburg, Virginia, for an impulsive overdose of 25 – 30 Xanax tablets (Schedule IV) after a fight with her husband.

6. Ms. Ogden stated that she has not used Stadol since the end of September 2011.

7. On February 29, 2012, Ms. Ogden signed a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”). Ms. Ogden stated that she contacted the HPMP in January 2012, but was delayed from entering due to aneurysm surgery. Ms. Ogden stated that she has contacted a facility in Fishersville, Virginia, for a substance abuse evaluation.

8. Ms. Ogden stated that she has a good support system of family and friends.

9. Ms. Ogden stated that she believes that she will be employed with Fresenius Medical Dialysis Center once she is allowed to return to work by the HPMP.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.

3. Ms. Ogden is properly enrolled in the HPMP.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION against Stephanie Ogden, R.N., contingent upon her continued compliance with all terms and conditions for the period specified by the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Ogden, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Ogden shall be noticed to appear before the Board at such time as the Board is notified that:

- a. Ms. Ogden is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

- b. There is a pending investigation or unresolved allegation against Ms. Ogden involving a violation of law or regulation or any term or condition of this Order; or

- c. Ms. Ogden has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Ogden's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Ogden's appearance before the Board and conduct an administrative review of this matter.

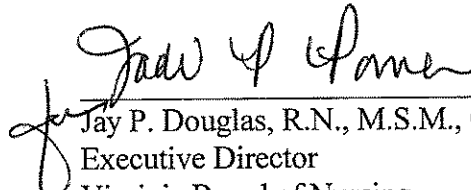
3. This Order is applicable to Ms. Ogden's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Ogden shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the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

4. Ms. Ogden shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to § 54.1-2400.2 of the Code, 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 Section 54.1-2400(10) of the Code, Ms. Ogden may, not later than 5:00 p.m., on **July 1, 2012**, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he/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 P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

ENTERED: May 29, 2012

This Order shall become final on **July 1, 2012**, unless a request for a formal administrative hearing is received as described above.