

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: SHARON PATRICIA GAGNON, R.N. APPLICANT
Case Number: 178302

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) held an informal conference on February 21, 2017, in Henrico County, Virginia, to receive and act upon Sharon P. Gagnon’s application for licensure by endorsement to practice professional nursing in the Commonwealth of Virginia and to inquire into evidence that grounds may exist to deny said application.

Sharon Patricia Gagnon appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated January 25, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Gagnon notifying her that an informal conference would be held on February 21, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Sharon P. Gagnon holds License Number RN35997 to practice professional nursing in the State of Maine, which expired on December 12, 2016.
2. On October 11, 2016, the Board received Ms. Gagnon’s application for licensure by endorsement to practice as a professional nurse.

3. Ms. Gagnon violated Virginia Code § 54.1-3007(1) and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(1)(b) effective February 24, 2017) in that she answered “no” to the question, “have you ever been convicted, pled guilty to or Nolo Contendere to the violation of any federal, state or other statute or ordinance constituting a felony or misdemeanor;” however, a criminal background check revealed several misdemeanor convictions.

4. Ms. Gagnon violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to admitted substance abuse.

5. Ms. Gagnon reported a sobriety date of August 15, 2015. She reported attending Alcoholics Anonymous meetings and that she has a sponsor and is working on Step six.

6. Ms. Gagnon reported that she has not had any practice issues. She last practiced as a professional nurse with Pediatric Connection, a home health agency, from December 2016 to January 2017. She is currently employed with Visiting Angels as a nurse aide/personal care aide.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Sharon Patricia Gagnon is REPRIMANDED.
2. The application of Sharon Patricia Gagnon for licensure to practice professional nursing in the Commonwealth of Virginia is APPROVED.
3. Sharon Patricia Gagnon shall be issued a license and placed on INDEFINITE PROBATION for not less than 12 months of actual nursing practice subject to the following terms and conditions:

- a. The period of probation shall begin on the date that this Order is entered and shall continue indefinitely. After Sharon Patricia Gagnon has completed 12 months of active nursing practice, she may request that the Board end this probation.
- b. Sharon Patricia Gagnon shall only practice professional nursing in a structured employment setting pre-approved by the Board for the first 12 months of probation.
- c. Sharon Patricia Gagnon shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.
- d. Sharon Patricia Gagnon shall have one supervised, observed, random drug screen per quarter, from a Board approved testing entity, which includes testing for alcohol. Ms. Gagnon shall ensure that the first set of results are received by the Board no later than 60 days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. The Board shall be notified immediately in writing of any positive results or if Ms. Gagnon refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.
- e. Sharon Patricia Gagnon shall attend Alcoholics Anonymous recovery support groups or other groups acceptable to the Board two to four times per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board monthly, by the last day of the month of attendance.

f. Sharon Patricia Gagnon shall submit “Self Reports” which include a current address, telephone number, email address, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self Reports must be submitted whether Sharon Patricia Gagnon has current practice employment or not. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date of entry of the Order and subsequent reports due the last day of the March, June, September, and December until Sharon Patricia Gagnon is notified, in writing, that the reporting requirement is ended.

g. Sharon Patricia Gagnon, shall notify the Board within ten days, in writing, of any changes in the location of her practice, additional practice locations, change in employment, including termination, suspension, separation, or other interruption in practice (including the name and address of any new employer and the date of employment), change in address, telephone number, or e-mail address, or criminal charges or convictions.

h. Sharon Patricia Gagnon shall provide her current and each future employer immediately upon employment with a copy of this Order in its entirety.

i. Sharon Patricia Gagnon shall ensure that the supervisor shall provide quarterly reports to the Board regarding Ms. Gagnon’s overall performance. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from entry of this Order and subsequent reports due the last day of the months of March, June, September and December until Sharon Patricia Gagnon is notified, in writing, that the reporting requirement is ended.

j. The Board shall issue Sharon Patricia Gagnon a license marked “Valid in Virginia Only: Probation with Terms.”

k. Sharon Patricia Gagnon shall sign all required medical releases and authorization forms within 30 days of the date of entry of this Order allowing for unrestricted

communication between and among the Board and her practice supervisor(s), her employer(s) or potential or intended employer(s) and her current and future treating healthcare provider(s).

l. Sharon Patricia Gagnon shall bear any costs associated with the terms and conditions of this Order.

m. Failure to comply with the above-referenced terms and conditions within five years of the date of entry of the Order may be reason for revoking or suspending the license of Sharon Patricia Gagnon and an administrative proceeding shall be held to determine whether to impose such action.

n. This Order shall remain in effect until the Board has notified Sharon Patricia Gagnon in writing that she is released from probation.

o. The Executive Director of the Board is authorized to issue an Order or letter acknowledging satisfactory completion of the foregoing conditions or to refer the matter to an administrative proceeding for review of Ms. Gagnon's compliance with the foregoing conditions.


4. Within 90 days from the date of entry of this Order, Sharon Patricia Gagnon shall provide written proof satisfactory to the Board of successful completion of the following NCSBN courses: *Disciplinary Actions: What Every Nurse Should Know* and *Understanding Substance Use Disorder*. Continuing education obtained through compliance with this term shall not be used toward licensure renewal.

5. Sharon Patricia Gagnon shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

6. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code §§ 2.2-4023 and 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.

FOR THE BOARD


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

ENTERED AND MAILED:

March 3, 2017

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Ms. Gagnon may, not later than 5:00 p.m., on April 5, 2017, notify Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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. This Order shall become final on April 5, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing