

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**SUMMER BROOKE LANE, L.P.N.**

**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 December 16, 2009, in Henrico County, Virginia. Summer B. Lane, L.P.N., was not present nor was she represented by legal counsel. Jane T. Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 2010, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Lane 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. Summer Brooke Lane, L.P.N., was issued License No. 0002-074569 to practice practical nursing in the Commonwealth of Virginia on October 2, 2006. Said license is current and set to expire on May 31, 2010.

2. By letter dated November 10, 2009, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Lane notifying her that an informal conference would be held on December 16, 2009. The Notice was sent by certified and first class mail to Route 3, Box 950 D, Big Stone Gap, Virginia 24219, the address of record on file with the Board of Nursing, and to 452 E. Jackson Street, Gate City, Virginia 24251, a secondary address. The certified receipt card sent to Ms. Lane's address of record in Big Stone Gap, Virginia was returned to the Board, unsigned and

unclaimed. The certified receipt card sent to Ms. Lane's address in Gate City, Virginia was returned to the Board, signed by another individual. Neither Notice sent to Ms. Lane by first class mail was returned to the Board. The Agency Subordinate concluded that adequate notice was provided to Ms. Lane and the informal conference proceeded in her absence.

3. During the course of her employment with Holston Manor, Kingsport, Tennessee, by her own admission, on July 6, 2009, Ms. Lane diverted a partial blister pack of Roxicet (oxycodone, Schedule II), one morphine capsule (Schedule II) and four Percocet tablets (oxycodone, Schedule II), for her personal and unauthorized use. She accomplished this diversion by signing out the medications for specific patients, documenting the medications as administered, and keeping them for her personal use.

4. On July 6, 2009, Ms. Lane was arrested by the Scott County, Virginia, Police Department for DUI and found to be in possession of one morphine tablet, four Percocet tablets, three Lortab tablets (hydrocodone, Schedule III), and seven Roxicet tablets (oxycodone, Schedule II). She did not have legitimate prescriptions for any of these medications ordered by the Holston Medical Group, her PCP at the time. Ms. Lane admitted to the investigator of the Tennessee Bureau of Investigations that these medications were diverted from Holston Manor. Ms. Lane was dismissed from the Holston Group Practice based on a positive urine drug screen.

5. Ms. Lane is unable to practice nursing safely due to substance abuse and/or physical illness. Specifically:

a. Since before December 4, 2007, Ms. Lane has received medical treatment for chronic back and leg pain, for which she has been prescribed narcotic medications. Despite her admission to a practitioner in September, 2008, that she was addicted to the narcotics and wanted help, Ms. Lane continued to obtain narcotic medications from other practitioners in increasing amounts.

b. On March 24, 2009, Ms. Lane submitted to a random urine drug screen which tested positive for oxycodone and barbiturates. She did not have legitimate prescriptions for these medications.

c. On October 2, 2009, in an interview with an investigator for the Department of Health Professions, Ms. Lane admitted that she has had a drug problem for a “couple of years”; is addicted to “all” narcotics; consumed drugs while working; and was “definitely” impaired while working.

6. As of December 15, 2009, Ms. Lane has not entered into a contract with the Health Practitioners’ Monitoring Program.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.
2. Findings of Fact No. 4 & 5 constitutes a violation of § 54.1-3007(6) of the Code.

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

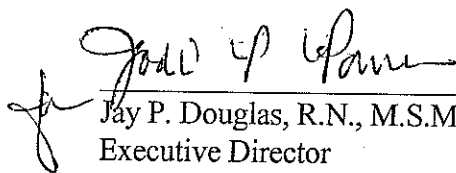
1. License No. 0002-074569 of Summer Brooke Lane, L.P.N., is INDEFINITELY SUSPENDED for a period of not less than two years.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Lane shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Lane shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

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

Since Ms. Lane failed to appear at the informal conference, this Order shall be considered final. Ms. Lane 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. Lane has thirty (30) 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 P. Douglas, R.N., M.S.M., C.S.A.C., 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 (3) days are added to that period.

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.

FOR THE BOARD



Jay P. Douglas, R.N., M.S.M., C.S.A.C.  
Executive Director  
Board of Nursing

Entered: February 5, 2010

**Certified True Copy**

By dgraham  
**Virginia Board of Nursing**