

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: WENDY NICOLE SPINNER, R.M.A.
Registration Number: 0031-003173
Case Number: 170514

RATIFICATION AND ORDER

On January 25, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Wendy Nicole Spinner, R.M.A., 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. Spinner's health records or health services.

Since Ms. Spinner failed to appear at the informal conference, this Order shall be considered final. Ms. Spinner 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. Spinner 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, M.S.M., R.N., C.S.A.C., F.R.E., 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.

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:

February 6^{PM}, 2017

Certified True Copy

By 

Virginia Board Of Nursing

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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliott, R.N., Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on December 1, 2016 in Henrico County, Virginia, to inquire into evidence that Wendy Nicole Spinner, R.M.A., may have violated certain laws and regulations governing the practice of medication aides in the Commonwealth of Virginia.

Ms. Spinner 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 November 9, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Spinner notifying her that an informal conference would be held on December 1, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. As of December 1, 2016, the USPS website indicated that the Notice sent by certified was still available for pickup. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Spinner and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Wendy Nicole Spinner, R.M.A., was issued Registration Number 0031-003173 to practice as a medication aide on July 9, 2009, which expired on May 31, 2016. At all times relevant to the findings herein, said registration was in full force and effect.

2. Ms. Spinner violated Virginia Code § 54.1-3007(2), (5), and (6) and 18 VAC 90-60-120(2)(c) of the Regulations Governing the Registration of Medication Aides (“Regulations”) in that:

a. During the course of her employment with Campbell Rest Home, Bedford, Virginia, from August to October 2015, by her own admission, Ms. Spinner diverted hydrocodone/APAP (C-II) and tramadol (C-IV) on multiple occasions for her personal and unauthorized use and ingested medications while on duty. She accomplished the diversion by signing out PRN medications for a resident and failing to account for administration, return or wastage.

b. During the course of her employment with Heritage Green Assisted Living Facility, Lynchburg, Virginia, by her own admission, between January and March 2016, Ms. Spinner diverted tramadol and lorazepam.

c. During the course of her employment with Runk & Pratt, by her own admission, in 2008, 2014 and 2015, Ms. Spinner diverted tramadol for her personal and unauthorized use.

3. Ms. Spinner violated Virginia Code § 54.1-3007(2) and 18 VAC 90-60-120(2)(e) of the Regulations in that on her May 6, 2015, application for employment with Campbell Rest Home, she failed to disclose that her employments with Runk & Pratt, Grace Lodge, and Johnson Senior Center had been terminated.

4. Ms. Spinner violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice as a medication aide due to substance abuse, as evidenced by her admission that she is in intensive substance abuse treatment, has an addiction to tramadol, used mood-altering medications while on duty, and has a diagnosis of opioid dependence.

5. On April 6, 2016, during an interview with an investigator from the Department of Health Professions, Ms. Spinner admitted that she began diverting controlled substances in 2008 during her initial employment at Runk & Pratt. She reported receiving intensive outpatient substance abuse treatment for one year and being prescribed methadone. She was also submitting to random, unobserved urine drug screens and had a positive drug screen two weeks prior to her interview. A prescription monitoring report for the period November 30, 2014 to November 30, 2015, revealed that Ms. Spinner obtained prescriptions for tramadol,

oxycodone (C-II) and lorazepam (C-IV) from seven different physicians that were filled at five different pharmacies. Ms. Spinner acknowledged having seven employers since 2012 and that her employment was terminated from three of those facilities. She also reported that she was currently unemployed.

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 right of Wendy Nicole Spinner, R.M.A., to renew her registration to practice as a medication aide in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The registration of Wendy Nicole Spinner, R.M.A., will be recorded as SUSPENDED.
3. Should Wendy Nicole Spinner, R.M.A., seek reinstatement of her registration, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Spinner to demonstrate that she is safe and competent to return to practice as a medication aide. Ms. Spinner shall be responsible for any fees that may be required for the reinstatement and/or renewal of the registration prior to issuance of the registration to resume practice.

Reviewed and approved on January 4, 2017
By Jane Elliott, R.N., Ph.D.
Agency Subordinate