

BEFORE THE VIRGINIA BOARD OF NURSING

**IN RE: JANET EADS WALTZ, R.N.
 License Number: 0001-163874
 Case Number: 171683**

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. Janet Eads Waltz, 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. Waltz's health records or health services.

Since Ms. Waltz failed to appear at the informal conference, this Order shall be considered final. Ms. Waltz 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. Waltz 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



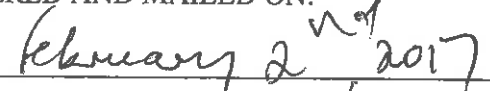
Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Certified True Copy

By 

Virginia Board of Nursing

ENTERED AND MAILED ON:



February 2nd, 2017

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JANET EADS WALTZ, R.N.
License Number: 0001-163874
Case Number: 171683

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 November 7, 2016 in Henrico County, Virginia, to inquire into evidence that Janet Eads Waltz, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Waltz 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 October 7, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Waltz notifying her that an informal conference would be held on November 7, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. Neither the certified mail nor the certified mail receipt was returned to the Board. 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. Waltz and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Janet Eads Waltz, R.N., was issued License Number 0001-163874 to practice professional nursing on July 2, 1999, which is scheduled to expire on December 31, 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. Waltz violated Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing in that during the course of her employment with Children's Hospital of the King's Daughters, Norfolk, Virginia, on November 27 and December 4, 2015, Ms. Waltz presented fraudulent physicians' notes that indicated she had work restrictions due to a surgical procedure.

a. On November 27, 2015, Ms. Waltz presented a note for restricted duty. When Children's Hospital tried to verify the note, the physician's office reported that they had not seen Ms. Waltz, she was not a patient and they had not provided her with the note.

b. On December 4, 2015, Ms. Waltz presented another note from a different physician's office. When Children's Hospital tried to verify the note, the physician's office reported that they had not seen Ms. Waltz since September 3, 2015, and that they had not provided her with the note.

3. Ms. Waltz's employment with Children's Hospital was terminated on January 6, 2016.

4. On December 18, 2015, Ms. Waltz was hospitalized at Sentara Princess Anne Hospital, Virginia Beach, Virginia, with a diagnosis of ischemic toe. While hospitalized, Ms. Waltz reported seeing a therapist for psychological issues, anxiety and depression. She was discharged on December 23, 2015, with recommendations to see her primary care physician, psychiatry, neurology, and rheumatology, and podiatric surgery was scheduled.

5. An individual who identified himself as Patrick Waltz, Ms. Waltz's husband, contacted the Board of Nursing staff on November 4, 2016. He stated that Ms. Waltz was unable to practice or attend the informal conference due to health issues. On two previous occasions, he had spoken to other Board staff and was advised to submit a written request for a continuance and to submit medical documentation. No written request was received from Ms. Waltz and no medical documentation was received by the Board of Nursing.

6. Ms. Waltz did not submit to an interview with the Department of Health Professions investigator.

7. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Waltz'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. Janet Eads Waltz, R.N., is REPRIMANDED.
2. Janet Eads Waltz, R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.
3. Finding probable cause that Janet Eads Waltz, R.N., may be unable to practice with reasonable skill and safety to patients because of physical and/or mental illness, it is ORDERED that pursuant to Virginia Code § 54.1-2400(15), Ms. Waltz shall undergo a mental health evaluation and a physical evaluation conducted by a Board-approved specialist who holds an unrestricted license, and have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any other recommendations sent to the Board, within 90 days of the entry of this Order. Ms. Waltz shall provide proof to the Board that she has provided the specialist with a complete copy of

this Order. Ms. Waltz shall execute all releases necessary for unrestricted communication between the specialist, and the Board and shall bear all costs associated with the evaluation. Upon receipt of the required report, the Board shall conduct a review of this matter and may either schedule an additional administrative proceeding to consider the evaluation and make a final disposition of the matter or close the matter without a further proceeding. **This provision of this Order is not subject to appeal.**

4. 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.

Reviewed and approved on November 21, 2016
By Jane Elliott, R.N., Ph.D.
Agency Subordinate

Certified True Copy
By 
Virginia Board of Nursing