

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LEE CASWELL HUGHES, R.N.
a.k.a Lee McNamee
License Number: 0001-190366
Case Number: 177231

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. Lee Caswell Hughes, 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.

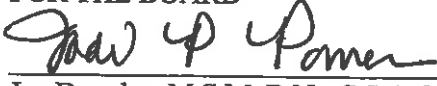
Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Hughes may, not later than 5:00 p.m., on March 7, 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.

Certified True Copy

By 
Virginia Board of Nursing

FOR THE BOARD


for 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 2, 2017

This Order shall become final on March 7, 2017, unless a request for a formal administrative hearing is received as described above.

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LEE CASWELL HUGHES, R.N.
a.k.a Lee McNamee
License Number: 0001-190366
Case Number: 177231

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Allison Gregory, M.S., R.N, F.N.P.-B.C., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on December 15, 2016 in Henrico County, Virginia, to inquire into evidence that Lee Caswell Hughes, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Hughes appeared at this proceeding and was represented by Bevin Alexander, Jr., Esquire.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Committee adopt the following Order.

Notice

By letter dated November 10, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Hughes notifying her that an informal conference would be held on December 15, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Recommended Findings of Fact and Conclusions of Law

1. Lee Caswell Hughes, R.N., was issued License Number 0001-190366 to practice professional nursing on June 9, 2004, which is scheduled to expire on June 30, 2017. 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. Hughes violated Virginia Code §§ 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that:

a. On August 31, 2012 and October 1, 2012, Ms. Hughes fraudulently phoned in prescriptions to CVS pharmacy for diethylpropion HCL (C-IV), using the name of a physician friend as the prescriber, and filled them for her own personal use.

b. On January 17, 2013, Ms. Hughes, by her own admission, fraudulently phoned in a prescription for her significant other, for phentermine HCL (C-IV), and filled it for her own personal use. She refilled the medication on February 18, 2013 for her own personal use.

c. On March 12, 2013, Ms. Hughes, by her own admission, fraudulently phoned in a prescription for her significant other, for phendimetrazine tartrate (C-IV), and filled it for her own personal use.

d. On May 10, 2013, Ms. Hughes, by her own admission, fraudulently wrote a prescription to a fictitious patient for phentermine HCL, and filled it for her own personal use.

e. On June 5, 2013, Ms. Hughes, by her own admission, fraudulently wrote a prescription to a fictitious patient for diethylpropion HCL, and filled it for her own personal use.

3. At the informal conference, Ms. Hughes refused to comment as to Allegations 2(d) and (e) on the advice of her counsel. Ms. Hughes acknowledged that she overused amphetamines and stated that she has not used any since 2015. She further stated that as a result of a DEA investigation 2013, she voluntarily surrendered her DEA license for actions described in 2 (b) and (c) above. Her application to reinstate her DEA license is contingent on the outcome of her case before the Board. She was not sanctioned by her employer for the events surrounding her prescribing habits or the surrender of her DEA license.

4. Ms. Hughes violated Virginia Code § 54.1-3007(5) in that:

a. On October 1, 2012, Ms. Hughes wrote a prescription to a friend for phentermine HCL, with two refills, for which there was no bona fide practitioner-patient relationship. Further, no medical history was obtained, no examination was conducted, and no patient record was documented.

b. On May 1, 2013, Ms. Hughes wrote a prescription for Fortesta (C-III) to her significant other, with whom there was no bona fide practitioner-patient relationship. Further, no medical history was obtained, no examination was conducted, and no patient record was documented.

5. On December 9, 2016, Ms. Hughes submitted to the Agency Subordinate two letters of reference from her current and former employers speaking to her ethics, character and professionalism. She is currently employed at Lynchburg Pulmonary Associates Sleep Center since 2015.

6. At the hearing, Ms. Hughes was remorseful for her actions. Ms. Hughes admitted a distant history of alcoholism and stated that she has remained active in AA for many years. She denied addiction to diet pills and stated that the improper prescribing was the result of poor judgement during a stressful time in her life.

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. Lee Caswell Hughes, R.N., is REPRIMANDED.
2. Ms. Hughes is assessed a MONETARY PENALTY of \$500.00. This penalty shall be paid to the Board by certified check or money order made payable to the Treasurer of Virginia within 90 days from the date of entry of this Order. Failure to pay the full monetary penalty by the due date may cause the matter to be sent for collection and constitutes grounds for an administrative proceeding and further discipline. Payment of said monetary penalty shall satisfy the monetary penalty imposed by the Committee of the Joint Boards of Nursing and Medicine in Case Number 164231.


3. Finding probable cause that Lee Caswell Hughes, R.N., may be unable to practice with reasonable skill and safety to patients because of excessive use of alcohol or drugs, it is ORDERED that pursuant to Virginia Code § 54.1-2400(15), Ms. Hughes shall undergo a chemical dependency 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. Hughes shall provide proof to the Board that she has provided the specialist with a complete copy of this Order. Ms. Hughes 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. Ms. Hughes shall comply with all laws and regulations governing professional nursing in the Commonwealth of Virginia.

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

Reviewed and approved on January 10, 2017
By Allison Gregory, M.S., R.N, F.N.P.-B.C.
Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing