

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MAGGIE ROSE CHOATE, R.N.
License Number: 0001-262929
Case Number: 171785

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. Maggie Rose Choate, 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.

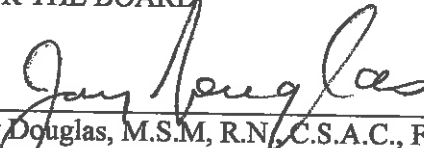
Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Choate may, not later than 5:00 p.m., on March 6, 2017, notify Jay P. Douglas, 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


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 1, 2017

This Order shall become final on March 6, 2017, unless a request for a formal administrative hearing is received as described above.

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MAGGIE ROSE CHOATE, R.N.
License Number: 0001-262929
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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), Judith Piersall, R.N., B.S.N., 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 Maggie Rose Choate, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Choate appeared 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 2, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Choate 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.

Recommended Findings of Fact and Conclusions of Law

1. Maggie Rose Choate, R.N., was issued License Number 0001-262929 to practice professional nursing on January 27, 2016, which is scheduled to expire on October 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. Choate violated Virginia Code § 54.1-3007(2), (5), and (6) and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing in that during the course of her employment with Inova Loudoun Ambulatory Surgery Center, Leesburg, Virginia, by her own admission, from November 2015 through January 2016, she diverted Dilaudid (hydromorphone, C-II) for her personal and unauthorized use on multiple occasions, which she accomplished by withdrawing more than was ordered and falsely documenting the waste of the excess. Ms. Choate never used the diverted medications while on duty and never deprived any patient of their pain medication.

3. Ms. Choate violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to substance abuse, as evidenced by her signing a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on February 12, 2016, in which she acknowledged her opioid abuse.

4. Ms. Choate stated at the informal conference that she became addicted to narcotics after being prescribed Percocet to treat a kidney stone. She continued to abuse narcotics to deal with personal stressors in her life.

5. Ms. Choate stated that she attends three Narcotics Anonymous meetings per week and two Caduceus meetings per month. She has a sponsor and is actively working the 12 Steps. She reported her date of sobriety as January 27, 2016.

6. Ms. Choate completed an intensive outpatient treatment program in February 2016. After her insurance lapsed, she transitioned to her local community services board and is currently enrolled in an relapse prevention program.

7. Ms. Choate is currently employed with Virginia Heart and has worked as a staff nurse since HPMP approved her to work in August 2016.

8. Ms. Choate is currently compliant with her HPMP contract.

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 Board shall TAKE NO ACTION at this time, contingent upon Maggie Rose Choate, R.N.'s compliance with the following terms and conditions:
 - a. Ms. Choate shall continue to comply with all terms and conditions of her Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP") for the period specified in the Contract.
 - b. Upon receipt of evidence of Ms. Choate's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Choate's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.
 - c. This Order is applicable to Ms. Choate's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Choate shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.
 - d. Maggie Rose Choate, R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.
 - e. Failure to comply with the terms and conditions of this Order or with any statute or regulation governing the practice of professional nursing shall constitute grounds for an administrative proceeding before the Board.

Reviewed and approved on January 8, 2017
By Judith Piersall, R.N., B.S.N.
Agency Subordinate