

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CANDACE M. MCNEIL, L.P.N. REINSTATEMENT APPLICANT
License No.: 0002-069483

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on February 9, 2015, in Henrico County, Virginia, to receive and act upon Candace M. McNeil’s application for reinstatement of her license to practice practical nursing in Virginia, and to inquire into evidence that Ms. McNeil may have violated certain laws governing the practice of practical nursing in Virginia. Ms. McNeil was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Candace M. McNeil was issued License No. 0002-069483 to practice as a practical nurse in the Commonwealth of Virginia on August 11, 2004. Said license was indefinitely suspended by an Order of the Board entered August 3, 2012, based on findings that Ms. McNeil diverted narcotic medication from a prior employer. Her primary state of residence is Virginia.
2. Ms. McNeil submitted an application for reinstatement of her license to practice as a practical nurse, which was received by the Board on July 15, 2014.
3. By letter dated January 12, 2015, the Board sent a Notice of Informal Conference (“Notice”) to Ms. McNeil notifying her that an informal conference would be held on February 9, 2015. The Notice was sent by certified and first class mail to 14941 Broadwater Way, Chester, Virginia 23831, the address of record on file with the Board.

4. On September 26, 2012, in the Circuit Court of Henrico County, Virginia, Ms. McNeil was convicted of obtaining drugs by fraud, a felony. On October 24, 2012, she was sentenced to two years incarceration with one year, 11 months, and 25 days suspended based on certain terms and conditions. She was also placed on supervised probation following her release from incarceration, and ordered to pay court costs of \$600.00. At the informal conference, Ms. McNeil stated that she has completed probation and complied with all the terms related to her felony conviction.

5. During the informal conference, Ms. McNeil reported that she has attended a variety of substance abuse programs, individual substance abuse therapy, recovery groups, and support groups through Chesterfield Mental Health Support Services. She also stated that she attends NA meetings once a week. She reported her sobriety date as June 2011, and indicated that her family, friends, and counselor were her support system.

6. A prescription monitoring report obtained by an investigator with the Virginia Department of Health Professions (“DHP Investigator”) showed that Ms. McNeil had three prescriptions for hydrocodone between April 2012 and June 2012, which she stated were related to dental work, one prescription for oxycodone in May 2013, and a prescription for Tramadol in September 2014. At the informal conference, Ms. McNeil stated that her support group assured her that if she were using the medications for a legitimate medical purpose, and did not abuse the medications, then her sobriety date did not change.

7. On November 17, 2014, in an interview with an investigator with the Virginia Department of Health Professions, Ms. McNeil’s counselor stated that she believed that Ms. McNeil was ready and safe to resume the practice of nursing, but recommended that she participate in the Health Practitioners’ Monitoring Program (“HPMP”).

8. Ms. McNeil last worked as an LPN in June 2012.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.
2. Based on the above Findings of Fact, the Committee concludes that Ms. McNeil is a candidate for the HPMP.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The application of Candace M. McNeil for reinstatement of her license to practice as a practical nurse in Virginia is APPROVED contingent upon Ms. McNeil's entry into and compliance with the HPMP, pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. Thereafter, Ms. McNeil shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Candace M. McNeil and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. McNeil shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Ms. McNeil is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against Ms. McNeil involving a violation of law or regulation or any term or condition of this Order; or
 - c. Ms. McNeil has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. McNeil's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. McNeil's appearance before the Board and conduct an administrative review of this matter.


3. This Order is applicable to Ms. McNeil's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. McNeil 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 wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. McNeil shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing the Practice of Nursing.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. McNeil may, not later than 5:00 p.m., on **April 3, 2015**, notify Jay P. 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.

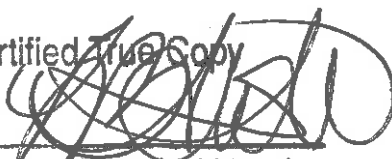
FOR THE COMMITTEE:



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

ENTERED: March 2, 2015

This Order shall become final on **April 3, 2015**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By _____
Virginia Board of Nursing