

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**CANDACE MCNEIL, L.P.N.  
LICENSE NO.: 0002-069483**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on July 18, 2012, in Henrico County, Virginia, to inquire into evidence that Candace McNeil, L.P.N., may have violated certain laws governing practical nursing practice in Virginia. The case was presented by James E. Rutkowski, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. McNeil was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Candace McNeil, L.P.N., was issued License No. 0002-069483 to practice practical nursing in Virginia on August 11, 2004. The license is scheduled to expire on March 31, 2013. Her primary state of residence is Virginia.
2. During the course of her employment at Westminster Canterbury Richmond, Richmond, Virginia:
  - a. Ms. McNeil admitted that she diverted approximately 25 tablets of 5 mg oxycodone (Schedule II) from Resident A, in June, 2011. She accomplished the diversion by removing the medication from Resident A's supply and replacing it with tablets of promethazine (Schedule VI) and Zofran

(ondansetron, Schedule VI).

b. Ms. McNeil admitted that she signed out six dosage units of 10 mg oxazepam (Schedule IV) from Resident B from June 22 to June 28, but failed to document administering it on Resident B's medication administration record ("MAR").

c. Ms. McNeil admitted that she signed out three dosage units of hydrocodone (Schedule III) from Resident C on June 11, 2011, on two separate occasions, but she failed to document administering either dosage unit in Resident C's MAR. On June 26, 2011, she signed out four dosage units of hydrocodone, but she only documented administering three dosage units in the MAR.

d. Ms. McNeil admitted that she signed out three dosage units of hydrocodone from Resident D on June 27, 2011, but documented administering only two of the dosage units in Resident D's MAR. On June 28, 2011, she signed out two dosage units of the medication, but failed to document administering the medication in Resident D's MAR.

e. Ms. McNeil admitted that she signed out one dosage unit of hydrocodone from Resident E on June 21, 2011, but failed to document administering it in Resident E's MAR.

f. Ms. McNeil admitted that she signed out two dosage units of hydrocodone from Resident F by signing out one dosage unit of the medication on June 27, 2011, and one dosage unit on June 28, 2011, but failed to document administering either dosage unit in Resident F's MAR.

3. On June 30, 2011, Westminster Canterbury, Richmond, terminated Ms. McNeil's employment after she confessed to the diversion in Finding of Fact No. 2(a). In February, 2010, The Laurels of Willowcreek, Midlothian, Virginia, terminated Ms. McNeil's employment for forgetting to remove a tourniquet from a resident's arm. Another nurse found the tourniquet, and the resident did not suffer any harm.

4. Ms. McNeil was found guilty of one count of prescription fraud in the Henrico County General District Court and was given first offender status and placed on probation with terms following a hearing on

August 31, 2011. Ms. McNeil was ordered to enter into an out-patient drug program. She thereafter entered into the Seeking Safety program through the Chesterfield Mental Health Center. Following a hearing on July 11, 2012, for violation of her probation by failing to provide drug testing, Ms. McNeil is scheduled to return to court in September, 2012, for disposition. Ms. McNeil denied having a drug problem or problems with pain medication, while admitting to possibly being depressed.

### **CONCLUSIONS OF LAW**

The Board concludes that Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

### **ORDER**


WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0002-069483 issued to Ms. McNeil to practice practical nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.
2. The license of Ms. McNeil will be recorded as SUSPENDED and no longer current. Should Ms. McNeil seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.
3. At such time as Ms. McNeil shall petition the Board for reinstatement of her license, a hearing will be convened to determine whether she is able to return to the safe and competent practice of practical nursing.
4. This Order shall be applicable to Ms. McNeil's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia.

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.

FOR THE BOARD

  
50 Jay P. Douglas, L.P.N., M.S.M., C.S.A.C.  
Executive Director  
Virginia Board of Nursing

August 3, 2012  
ENTERED

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, L.P.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy  
By   
Virginia Board of Nursing