

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CANDACE MICHELLE MCNEIL, L.P.N.
License Number: 0002-069483
Case Number: 173553

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) held an informal conference on December 12, 2016, in Henrico County, Virginia, to inquire into evidence that Candace Michelle McNeil, L.P.N., may have violated an Order of the Board entered March 2, 2015 (“Board’s Order”), and certain laws governing the practice of nursing in the Commonwealth of Virginia.

Candace Michelle McNeil, L.P.N. appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated November 8, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. McNeil notifying her that an informal conference would be held on December 12, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Candace Michelle McNeil, L.P.N. was issued License Number 0002-069483 to practice practical nursing on August 11, 2004, which is scheduled to expire on March 31, 2017. At all times

relevant to the findings contained herein, said license was current and active. Her primary state of residence is Virginia.

2. By Board's Order entered August 12, 2012, Ms. McNeil's license to practice practical nursing was indefinitely suspended as a result of her diversion of narcotic medications from her employer. By Board's Order entered March 2, 2015, Ms. McNeil's license to practice practical nursing was reinstated and subject to certain terms and conditions.

3. Candace Michelle McNeil, L.P.N., violated Virginia Code § 54.1-3007(6) and Term Number 1 of the Board's Order entered March 2, 2015, which required her to comply with the terms and conditions of the Health Practitioners' Monitoring Program ("HPMP"), in that she was dismissed from the HPMP on February 5, 2016, due to noncompliance with her Recovery Monitoring Contract. Specifically, Ms. McNeil failed to comply with the toxicology screening program and failed to report prescribed medications.

4. Ms. McNeil stated to the Committee that she could not afford to pay for the toxicology screenings.

5. Ms. McNeil stated to the Committee that her date of sobriety was June 2011, and that she attends Narcotics Anonymous twice a week. She stated that she has a sponsor, but has not been able to contact her sponsor since October 2016. When asked if she has obtained another sponsor, she stated that she has not attempted to find another sponsor.

5. Ms. McNeil stated that her support system was her family, and her significant other's parents.

6. Ms. McNeil stated that she is currently employed in a home health setting providing care to a client with epilepsy. She stated that she does not administer any medications to her client.

7. Ms. McNeil stated that her employer was aware that she was attending an informal conference.

8. Ms. McNeil stated that she was not currently receiving any mental health or substance abuse treatment with a counselor or therapist.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Candace Michelle McNeil, L.P.N., is REPRIMANDED.

2. Ms. McNeil is placed on PROBATION for a period of not less than one year subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. McNeil has completed one year of active practical nursing practice.

b. The license shall be reinstated without restriction at the completion of the probationary period unless there is a pending investigation or unresolved allegation involving a violation of law or regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely until such time as the Board makes a case decision in accordance with the Administrative Process Act (Virginia Code § 2.2-4000 *et seq.*) and Virginia Code § 54.1-2400(9).

c. Ms. McNeil shall practice in a supervised employment setting pre-approved by the Board.

d. Ms. McNeil shall not administer any Schedule II-V controlled substances for the first year of practice employment after being placed on probation.

e. Ms. McNeil shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship

and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

f. Ms. McNeil shall have one supervised, observed, random drug screen per quarter, from a Board approved testing entity, which includes testing for alcohol and the following drugs of choice: opioids. Ms. McNeil shall ensure that the first set of results are received by the Board no later than 60 days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. The Board shall be notified immediately in writing of any positive results or if Ms. McNeil refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

g. Ms. McNeil shall attend Narcotics Anonymous recovery support groups or other groups acceptable to the Board two times per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board monthly, by the last day of the month of attendance.

h. Ms. McNeil shall submit “Self Reports” which include a current address, telephone number, email address, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self-Reports must be submitted whether Ms. McNeil has current practice employment or not. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date of entry of the Order and subsequent reports due the last day of the March, June, September, and December until Ms. McNeil is notified, in writing, that the reporting requirement is ended.

i. Ms. McNeil shall notify the Board within ten days, in writing, if any of the following occur:

- ii. changes in the location of her practice;
 - iii. additional practice locations;
 - iv. change in employment, including termination, suspension, separation, or other interruption in practice (including the name and address of any new employer and the date of employment);
 - v. change in address, telephone number, or e-mail address; and
 - vi. criminal charges or convictions.
- j. Ms. McNeil shall provide her current employer within 45 days of the entry of the Order and each future employer immediately upon employment with a copy of this Order in its entirety.
- k. Ms. McNeil shall ensure that the supervisor shall provide quarterly reports to the Board regarding Ms. McNeil’s clinical judgment, clinical performance, medication administration, documentation and overall performance.
- l. Ms. McNeil shall, within 45 days of the date of entry of this Order return all copies of her current license, along with any required fee, to the Board office, and the Board shall issue a license marked “Valid in Virginia Only: Probation with Terms.”
- m. Ms. McNeil shall sign all required medical releases and authorization forms within 60 days of the date of entry of this Order allowing for unrestricted communication between and among the Board and her practice supervisor and her employer(s) or potential or intended employer(s).
- n. Ms. McNeil shall bear any costs associated with the terms and conditions of this Order.
- o. Ms. McNeil shall comply with all laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

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


q. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the license of Ms. McNeil and an administrative proceeding shall be held to determine whether to impose such action.

r. This Order shall remain in effect until the Board has notified Ms. McNeil in writing that she is released from probation.

s. The Executive Director of the Board is authorized to issue an Order or letter acknowledging satisfactory completion of the foregoing conditions or to refer the matter to an administrative proceeding for review of Ms. McNeil's compliance with the foregoing conditions.

Pursuant to Virginia Code §§ 2.2-4023 and 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.

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:

February 1, 2017

Certified True Copy

By 

Virginia Board of Nursing

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Ms. McNeil may, not later than 5:00 p.m., on March 6, 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. This Order shall become final on March 6, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing