

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: AMY SUE SWAN BERG, L.P.N.  
License Number: 0002-070797  
Case Number: 172792

RATIFICATION AND ORDER

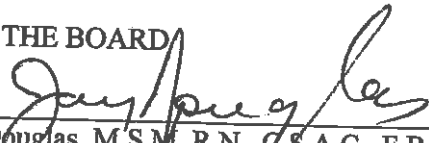
On January 25, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Amy Sue Swan Berg, L.P.N., was not present nor was she represented by legal counsel.

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.

Since Ms. Berg failed to appear at the informal conference, this Order shall be considered final. Ms. Berg has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Berg has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD

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

Certified True Copy

By   
Virginia Board of Nursing

ENTERED AND MAILED ON:

February 1, 2017

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           AMY SUE SWAN BERG, L.P.N.**  
**License Number: 0002-070797**  
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**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

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**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 Amy Sue Swan Berg, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Ms. Berg did not appear 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. Berg 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. The receipt for the Notice sent via certified mail was signed by Ms. Berg and returned to the Board office on November 9, 2016. The Notice sent via first-class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Berg and the informal conference proceeded in her absence.

### **Recommended Findings of Fact and Conclusions of Law**

1. Amy Sue Swan Berg, L.P.N., was issued License Number 0002-070797 to practice practical nursing on February 17, 2005, which is scheduled to expire on February 28, 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. During the course of her employment with Friendship Health and Rehabilitation Center, Roanoke, Virginia:
  - a. Ms. Berg violated Virginia Code § 54.1-3007(5) and (6) in that on January 27, 2016, she was impaired while on duty, including smelling of alcohol, and was observed to be crying in the presence of residents, unable to focus and unable to provide care to her assigned residents.
  - b. Ms. Berg violated Virginia Code § 54.1-3007(5) in that on January 28, 2016, she failed to administer a Fentanyl patch to a resident as ordered by the resident's physician. Ms. Berg inadvertently placed the cover of the patch on the resident's skin and disposed of the actual patch.
3. Ms. Berg violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice practical nursing due to her admitted substance abuse. On May 9, 2016, during an interview with an investigator from the Department of Health Professions, Ms. Berg admitted to consuming approximately five shots of tequila every evening, showing up to work hungover, and being an alcoholic.
3. In a handwritten letter to the Board dated May 12, 2016, Ms. Berg stated that she was surrendering her license to practice as a licensed practical nurse. She enclosed her license with the letter.

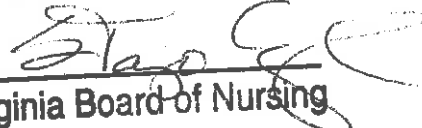
### Recommended Order

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 accepts the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of Amy Sue Swan Berg's license to practice practical nursing in the Commonwealth of Virginia.
2. The license of Amy Sue Swan Berg, L.P.N., will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice practical nursing.
4. Should Amy Sue Swan Berg, L.P.N., seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Berg to demonstrate that she is safe and competent to return to the practice of practical nursing. Ms. Berg shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

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

Certified True Copy

By   
Virginia Board of Nursing