

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **ASHLEY NICOLE SOWERS, L.P.N.**  
**License Number: 0002-079273**  
**Case Number: 169245**

**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. Ashley Nicole Sowers, 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.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Sowers 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.

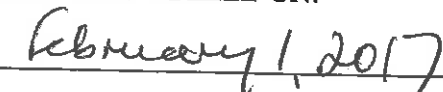
**Certified True Copy**

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.

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**IN RE:           ASHLEY NICOLE SOWERS, L.P.N.**  
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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 Ashley Nicole Sowers, L.P.N., may have violated an Order of the Board entered February 3, 2015.

Ms. Sowers 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. Sowers 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. Ashley Nicole Sowers, L.P.N., was issued License Number 0002-079273 to practice practical nursing on October 17, 2008, which is scheduled to expire on April 30, 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. On February 3, 2015, the Board entered an Order placing Ms. Sowers on probation subject to certain terms and conditions.

3. Ms. Sowers violated Term No. 2 of the Board's Order dated February 3, 2015, ("Board's Order"), which required her to have an evaluation by a mental health/chemical dependency specialist satisfactory to the Board and have a written report of the evaluation and recommended treatment sent to the Board within 90 days of the entry of the Board's Order, or by May 3, 2015. Ms. Sowers did not submit the name of an evaluator until September 30, 2015, and the report was not submitted to the Board until November 12, 2015. Ms. Sowers stated that she could not afford to have the evaluation done in a timely manner.

4. Ms. Sowers violated Term No. 3 of the Board's Order, which required her to have one supervised unannounced random drug screen every quarter from a Board approved entity. On March 9, 2016, Ms. Sowers provided one drug screen taken on January 20, 2016. No other drug screens had been provided and no entity was submitted for approval prior to the informal conference. Ms. Sowers provided evidence of multiple drug screens that she has taken since January 2016, all of which were negative.

5. Term Number 4 of the Board's Order required Ms. Sowers to have her probation officer provide a written report regarding the status of her criminal probation to the Board. Ms. Sowers submitted evidence that her probation was unsupervised and coordinated through the Virginia Alcohol Safety Awareness Program. She submitted evidence that she had successfully completed her probation.

6. Ms. Sowers violated Term Number 5 of the Board's Order, which required her to provide a certified true copy of her final court order to the Board, in that she had not done so before the informal conference. Ms. Sowers provided a copy of the final court order to the Board at the informal conference.

7. Ms. Sowers violated Term Numbers 6 and 9 of the Board's Order, which required that she instruct her employer(s) to provide compliance reports, with the first report due no later than 60 days after the entry of the Board's Order, or April 3, 2015, and then quarterly by the last day of the months of March, June, September and December. Ms. Sowers has been employed by NurseFinders, Roanoke, Virginia, since February 23, 2015. In September 2015, she left employment with NurseFinders and began employment with Valley Wellness, Roanoke Virginia. On March 10, 2016, the Board received employment reports due September 30, 2015, and December 31, 2015.

8. Ms. Sowers violated Term Number 7 of the Board's Order, which required her to provide the Board with evidence that she has completed two NCSBN online courses within 60 days of the entry of the Board's Order, in that she did not do so. Ms. Sowers stated that she had forgotten to do so. She provided evidence that she had completed two courses on November 8, 2016.

9. Ms. Sowers violated Term Number 8 of the Board's Order, which required her to return all copies of her license to the Board office within ten days of the entry of the Order along with payment of a duplicate license fee, in that she did not do so prior to the informal conference.

10. Ms. Sowers expressed remorse for failing to comply with the terms of the Board's February 3, 2015, Order. She stated it was irresponsible of her. She stated that she was now more settled in her life.

11. Ms. Sowers is currently employed at a doctor's office and at a nursing home.

12. Ms. Sowers' compliance case manager appeared at the informal conference and advised that Ms. Sowers had submitted all outstanding documents to the Board.

### **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. Ashley Nicole Sowers, L.P.N., is REPRIMANDED.

2. Ms. Sowers is continued on INDEFINITE PROBATION for not less than one year subject to the following terms and conditions:

a. The period of probation shall end at such time as Ms. Sowers has completed one year of active professional nursing practice following the entry of this Order. 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).

b. Ms. Sowers 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.

c. Ms. Sowers shall have one supervised, observed, random drug screen per quarter from a Board-approved testing entity, which includes testing for alcohol. Ms. Sowers shall ensure that the first set of results is 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. Sowers 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.

d. Ms. Sowers 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. Sowers has current practice employment or not. The reports shall be submitted on a quarterly basis to the Board, due the last day of the months of March, June, September and December until Ms. Sowers is notified, in writing, that the reporting requirement is ended. Ms. Sowers shall notify the Board within ten days, in writing, of: any change in address, telephone number, or e-mail address; changes in the location of her practice; additional practice locations; 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); criminal charges or convictions.

e. Ms. Sowers shall provide her current employer/supervisor at each practice location or assignment within 45 days of the entry of the Order, and each future employer/supervisor at each practice location or assignment immediately upon employment with a copy of this Order in its entirety.

f. Ms. Sowers shall ensure that the supervisor shall provide quarterly reports to the Board regarding Ms. Sowers's clinical judgment, clinical performance, recordkeeping, documentation, medication administration, and overall performance. 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 this Order is entered, and subsequent reports due the last day of the months of March, June, September and December until Ms. Sowers is notified, in writing, that the reporting requirement is ended.

g. Ms. Sowers 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 (a) her practice monitor and (b) her employers and potential and intended employers and (c) her current and future treating healthcare provider(s).

i. Ms. Sowers shall bear any costs associated with the terms and conditions of this Order.

j. Ms. Sowers shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

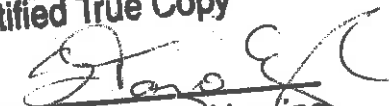
k. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.

l. 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. Sowers, and an administrative proceeding shall be held to determine whether to impose such action.

m. This Order shall remain in effect until the Board has notified Ms. Sowers in writing that she is released from Probation and all terms and conditions.

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

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