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BEFORE THE VIRGINIA BOARD OF NURSING

VA BD OF NURSING

IN RE: AUSTIN LOVELL, R.N.
License Number: 0001-261256
Case Number: 172673

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and Austin Lovell, R.N., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Mr. Lovell's license to practice professional nursing in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Austin Lovell, R.N. was issued License Number 0001-261256 to practice professional nursing on September 17, 2015, which is scheduled to expire on March 31, 2018. At all times relevant to the findings contained herein, said license was current and active. His primary state of residence is Virginia.
2. Mr. Lovell violated Virginia Code § 54.1-3007(6) in that he is unable to practice professional nursing due to his admitted substance abuse and mental illness. Mr. Lovell has had multiple inpatient substance abuse rehabilitation admissions, with the most recent from March 2016, to April 2016, at the Life Center of Galax, Galax, Virginia. Further, on June 24, 2015, Mr. Lovell was convicted of driving under the influence in the General District Court for Roanoke City, Virginia.
3. Mr. Lovell violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(c), (e) and (f) of the Regulations Governing the Practice of Nursing ("Regulations") in that during the course of his employment with Carilion Roanoke Memorial Hospital, Roanoke, Virginia, Mr. Lovell diverted narcotic medication for his own personal and unauthorized use:

a. On November 13, 2015, Mr. Lovell withdrew a 2000mcg/100ml bag of fentanyl for Patient A, who was ordered 25mcg/hr, and documented a rate change of infusion instead of hanging a new bag. Further, Patient A was ordered morphine 5mg (C-II) by mouth every eight hours. Mr. Lovell withdrew 10mg/5ml at 11:12, documented administration at 11:13 and wasted 5mg at 11:20. Mr. Lovell withdrew 10mg/5ml at 14:04, documented wasting 5mg at 14:05, and administering 5mg to Patient E at 14:52. Mr. Lovell administered 10mg within three hours, contrary to the physician's orders.

b. On November 14, 2015, Mr. Lovell withdrew 2000mcg/100ml of fentanyl for Patient B, but failed to document administration or wastage.

c. On January 6, 2016, Mr. Lovell withdrew a clonazepam tablet (C-IV) from the Pyxis at 13:05 and documented administration at 13:06 to Patient C, who was ordered one dosage every eight hours. At 13:34, Mr. Lovell withdrew another clonazepam for this patient and documented wasting the medication at 13:42.

d. On January 7, 2016, Mr. Lovell removed a 100mg/ml bag of midazolam (Versed, C-IV) at 10:34 for Patient D, but failed to document administration or wastage of the medication.

4. Mr. Lovell violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations in that on January 20, 2016, Patient E was ordered to receive intravenous fentanyl (C-II) titrate 25mcg/hr every 30 minutes with maximum dosage of 200mcg/hr. Mr. Lovell set the pump to infuse a maximum of 500mcg/hr, 300mcg over the ordered amount of fentanyl for this patient.

5. Mr. Lovell violated Virginia Code § 54.1-3007(5) and (6) in that on January 7, 2016, and January 20, 2016, he was found sleeping at the nurses' station. A for-cause drug screen performed on January 20, 2016, was positive for fentanyl and cocaine.

6. Mr. Lovell signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on July 6, 2016.

7. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Mr. Lovell's health records or health services.

CONSENT

Austin Lovell, R.N., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and am represented by Eileen Talamante, Esq.;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;
5. I neither admit nor deny the Findings of Fact and Conclusions of Law contained herein but waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my licensure to practice professional nursing in the Commonwealth of Virginia.

ORDER

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

1. The license of Austin Lovell, R.N., to practice professional nursing is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. The suspension is STAYED and shall remain stayed contingent upon Mr. Lovell's continued compliance with all terms and conditions of the Virginia Health Practitioners' Monitoring Program ("HPMP") for the period specified by the HPMP.
5. Upon receipt of evidence of Mr. Lovell's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Mr. Lovell's appearance before the Board and conduct an administrative review of this matter, at which time he may be issued an unrestricted license.
6. This Order is applicable to Mr. Lovell's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Mr. Lovell 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 he seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.
7. Failure to comply with the terms and conditions of the stay of suspension shall result in the immediate rescission of the stay of suspension of the license of Austin Lovell, R.N., and the license shall be recorded as suspended. After any rescission of the stay of suspension, Mr. Lovell may,

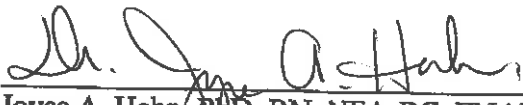
within 33 days of the effective date of the rescission, request a formal administrative hearing before the Board.

8. Austin Lovell, R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia

9. 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.

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.

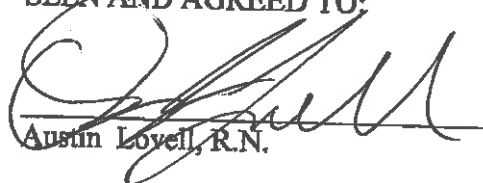
FOR THE BOARD



Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
President
Virginia Board of Nursing

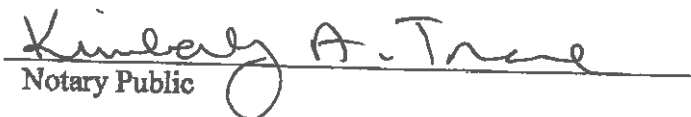
ENTERED: 1/24/17

SEEN AND AGREED TO:


Austin Lovell, R.N.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Franklin, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this
12th day of December, 2016.


Notary Public

My commission expires: 4-30-19

Registration No.: 7661311

Commonwealth of Virginia
Notary Public
Kimberly Ann Traver
Registration #7661311
My Commission Expires: April 30, 2019

Certified True Copy

By 
Virginia Board of Nursing