

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

ASIA HORTON, L.P.N.

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on April 4, 2011, in Henrico County, Virginia, to inquire into evidence that Asia Horton, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. Ms. Horton was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Asia Horton, L.P.N., was issued License No. 0002-069522 to practice practical nursing in the Commonwealth of Virginia on August 17, 2004. Said license expires on January 31, 2012. Her primary state of residence is Delaware.
2. By letter dated February 18, 2011, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Horton notifying her that an informal conference would be held on April 4, 2011. The Notice was sent by certified and first class mail to 17 Courtyard Lane, Apt. 11, Wilmington, Delaware 19802, the address of record on file with the Board of Nursing.
3. During the course of her employment with Sentara Norfolk General Hospital, Norfolk, Virginia:
 - a. On July 2, 2010, Ms. Horton ordered a chest x-ray and head CT Scan for Patient A without prior physician authorization and falsely documented the name of an ordering physician in the

medical records. Ms. Horton did not accept full responsibility for this incident and stated that she was acting in the role of a patient advocate by ordering the tests.

b. On July 2, 2010, at 2309 hours, Ms. Horton administered Lopressor 50mg to Patient A, whose orders were to hold the Lopressor for a heart rate less than 50BPM or systolic blood pressure less than 100. At 2300 hours, Patient A's systolic blood pressure was 96/53, which was within the range for withholding the medication.

c. Ms. Horton acknowledged she should not have administered the Lopressor and that she did not monitor Patient A's vital signs for the remainder of her shift after the 2300 hour reading. Following her shift at 0800 hours, on July 3, 2010, Patient A's blood pressure was 76/54 and the patient subsequently expired.

d. Ms. Horton explained that her lack of monitoring for the remainder of the shift was due to accepted practice of failing to obtain vital signs during the night shift, although the policy was to obtain vital signs every four hours.

e. Ms. Horton's employment was terminated on August 13, 2010, for poor performance.

4. Ms. Horton has relocated to Delaware and is currently unemployed. She has applied for licensure in Pennsylvania.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(a) and (e) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Finding of Fact No. 3(b) constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2) (f) of the Regulations.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Asia Horton, L.P.N., is hereby REPRIMANDED.
2. Ms. Horton shall be placed on PROBATION for a period of one year of actual nursing practice and 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. Horton has completed one year of active employment as a licensed practical nurse. The license of Asia Horton, L.P.N., shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.
 - b. Ms. Horton shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Horton shall provide the name and address of each employer to the Board.
 - c. Ms. Horton shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Horton is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
 - d. Performance Evaluations shall be provided, at the direction of Ms. Horton, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

e. Ms. Horton shall provide evidence that she has completed the National Council of State Boards of Nursing (NCSBN) online course Professional Accountability and Legal Liability for Nurses within 30 days of entry of the Order.

f. Ms. Horton shall practice nursing only in a structured, supervised employment setting satisfactory to the Board for the first year after being placed on probation. This employment setting shall provide on-site supervision by a physician or professional nurse, who works the same shift, and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Horton shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

g. Ms. Horton shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

h. Ms. Horton shall return all copies of her license to practice as a licensed practical nurse, to the Board office within ten days of the date of entry of this Order, along with a payment of a fee of \$5.00. Upon receipt, the Board shall issue a new license marked “Valid in Virginia Only; Probation with Terms.”


i. This Order is applicable to Ms. Horton’s multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Horton 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 she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

j. Ms. Horton shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

k. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Asia Horton, L.P.N., and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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 COMMITTEE



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

ENTERED: April 20th, 2011

NOTICE OF RIGHT TO FORMAL HEARING

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, within 33 days of the date of service of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.

Certified True Copy

By draham
Virginia Board of Nursing