

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LISA ANN DAVIS, L.P.N., REINSTATEMENT APPLICANT
License Number: 0002-053555
Case Number: 176025

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on November 14, 2016, in Henrico County, Virginia, to receive and act upon Lisa Ann Davis’ application for reinstatement of her license to practice practical nursing in the Commonwealth of Virginia.

Lisa Ann Davis, L.P.N., did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated November 1, 2016, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Davis notifying her that a formal administrative hearing would be held on November 14, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. According to the United States Postal Service website, the Notice sent by certified mail was delivered to the address of record on November 3, 2016. The Notice sent by first class mail was not returned to the Board office. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Davis and the formal hearing proceeded in her absence.

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

FINDINGS OF FACT

1. Lisa Ann Davis, L.P.N., was issued License No. 0002-053555 to practice practical nursing by the Virginia Board of Nursing on September 26, 1996. Ms. Davis' license was mandatorily suspended by Order of the Department of Health Professions entered June 10, 2009. Ms. Davis' primary state of residence is Virginia.
2. During the course of Ms. Davis' employment with the Office of Drs. Wentz and Manry, P.C., Danville, Virginia, between August 2008 and September 2008:
 - a. On September 15, 2008, Ms. Davis phoned in a prescription for Lorcet 10/650 (C-II) and a prescription for Valium (C-IV) to Walmart pharmacy for her family member. The prescriptions were not authorized by Drs. Wentz or Manrey.
 - b. On September 12, 2008, Ms. Davis phoned in prescriptions for Valium and Lorcet 10/650 to CVS pharmacy for her family member. The prescriptions were not authorized by Drs. Wentz or Manrey.
 - c. On August 4, 2008, Ms. Davis phoned in a prescription for Lorcet 10/650 to CVS pharmacy for her family member. The prescription was not authorized by Drs. Wentz or Manrey.
3. Ms. Davis' employment with Drs. Wentz and Manry was terminated on September 18, 2008.
4. On March 25, 2009, in the Circuit Court of the City of Danville, Virginia, Ms. Davis was convicted of five counts of felony obtaining drugs by fraud. These convictions formed the basis for the mandatory suspension of her license.
5. On June 24, 2008, in the General District Court of Pittsylvania County, Virginia, Ms. Davis was convicted of two counts of misdemeanor bad check larceny, crimes of moral turpitude.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2a through 2c constitute a violation of Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.
2. Findings of Fact Nos. 4 and 5 constitute a violation of Virginia Code § 54.1-3007(4).


ORDER

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

1. Lisa Ann Davis, L.P.N., is REPRIMANDED.
2. The Virginia Board of Nursing, effective upon entry of this Order, ORDERS that the application of Lisa Ann Davis, L.P.N., for reinstatement of the license to practice practical nursing in the Commonwealth of Virginia is DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the proceeding. Further, it is ORDERED that said license be CONTINUED on INDEFINITE SUSPENSION. Should she petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether Ms. Davis is able to return to the safe and competent practice of practical nursing. Ms. Davis 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.
3. This suspension applies to any multistate privilege to practice practical nursing.

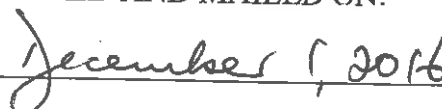
Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

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 ON:



December 1, 2016

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with 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. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 

Virginia Board Of Nursing