

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: PAULA HIGH, R.N.
 License No.: 0001-188504**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on July 14, 2014, in Henrico County, Virginia, to inquire into evidence that Paula High, R.N. may have violated certain laws and regulations governing practice as a professional nurse in Virginia, and act upon Ms. High's application for reinstatement of her license to practice professional nursing in Virginia following the mandatory suspension of her license on June 25, 2013. The case was presented by Wendy J. Deaner, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. High was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Paula High, R.N., was issued License No. 0001-188504 to practice professional nursing in the Commonwealth of Virginia on December 23, 2003. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on June 25, 2013. Ms. High's primary state of residence is Virginia.
2. Ms. High submitted an application for reinstatement of her license, which was received by the Board on April 25, 2014.

3. On May 24, 2013 in the United States District Court for the Northern District of West Virginia, Ms. High was convicted of one felony count of acquiring and obtaining a controlled substance by misrepresentation, fraud, forgery, deception, and subterfuge. The conviction arose from an investigation during the course of her employment with the VA Hospital in Martinsburg, West Virginia. By her own admission, between 2006 and 2009, Ms. High diverted Dilaudid and Vicodin or Percocet for her personal use. This conviction formed the basis of the mandatory suspension of Ms. High's license by the Virginia Department of Health Professions.

4. During the course of her employment with Sentara Healthcare Virginia Beach General Hospital, Virginia Beach, Virginia, an audit of Ms. High's medication withdrawals for April, May, July, and August 2012 revealed that she was above the mean with regard to narcotic overrides, narcotic pulls without physician orders, and narcotic wastes. The audit also indicated that Ms. High failed to document narcotics given to patients. Most of the violations involved Dilaudid, Schedule II. By her own admission, Ms. High indicated that she made errors when charting and did not enter all the necessary documentation.

5. Ms. High was terminated from Sentara Healthcare, Virginia Beach General Hospital effective October 11, 2012.

6. During the month of June, 2012, Ms. High voluntarily entered into inpatient treatment at the Virginia Beach Psychiatric Center, Virginia Beach, Virginia, to detox from the effects of alcohol. Upon her discharge, Ms. High was diagnosed with alcohol and opioid dependency and major depression. Ms. High re-entered inpatient treatment with Virginia Beach Psychiatric on March 25, 2013. Upon her release, Ms. High went to Centra Health, Virginia Baptist Hospital, Pathways, Lynchburg, Virginia and received inpatient treatment from April 1, 2013 to April 24, 2013. Ms. High originally entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on December 5, 2012. Ms. High was dismissed from HPMP on July 19, 2013 for non-compliance due to three missed calls, two missed screens, and four positive screens. Ms. High signed a new participation contract with HPMP on June 5, 2014. Ms.

High denied going to work intoxicated; however, she admitted frequently going to work hung-over.

7. Ms. High indicates her date of sobriety is March 26, 2013.

8. Ms. High attends group therapy, AA twice a week, and until July 4, 2014 had random drug screens by her probation officer. Ms. High was seeing her doctor once a month, and at their last appointment he told her to begin seeing him every three months instead of monthly because she is doing so well. Also, Ms. High signed a participation contract with the Health Practitioners' Monitoring Program. She desires to complete the program and be able to return to work. She does not want to practice in an emergency room but would like to work in an outpatient situation where there is less stress.

9. Ms. High admitted to diverting the medications because she had kidney stones and was in severe pain. She told the Board that she has completed the probation connected to her felony conviction. In discussing her past medication errors, Ms. High testified that she knows that she needs to be careful to follow procedure and chart correctly. She testified that she was thinking in a fog due to her drinking, and she thinks much more clearly since her date of sobriety.

10. Ms. High testified that she is completely different since she has stopped drinking. Ms. High testified her family is a solid support system for her. Ms. High further stated that she loves nursing and that she is ready to return to practice now that she has stopped drinking. She testified that she has years of experience and loves patient care.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of §54.1-3007(2), (4), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.
2. Finding of Fact No. 4 constitutes a violation of §54.1-3007(5) of the Code.
3. Finding of Fact No. 6 constitutes a violation of §54.1-3007(6) of the Code.
4. Ms. High has demonstrated satisfactory evidence that she is prepared to resume practice in a

safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS that License No. 0001-188504 issued to Paula High to practice professional nursing in the Commonwealth of Virginia, be and hereby is REINSTATED, subject to the following terms and conditions:

1. License No. 0001-188504 issued to Paula High to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED. Said suspension shall be STAYED upon Ms. High remaining in compliance with the terms of her Contract with the HPMP and the following terms and conditions:

a. Ms. High shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. High, and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. High is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

2. Upon receipt of evidence of Ms. High's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. High's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.


3. This Order shall be applicable to Ms. High's multistate licensure privileges, if any, to practice

professional nursing. It is further ordered that for the duration of this Order, Ms. High may 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.

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

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 BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing



ENTERED

Certified True Copy
By 

Virginia Board Of Nursing

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 P. Douglas, MSM, RN, CSAC, FRE, 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.