



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

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

Board of Nursing (804) 367-4515
Nurse Aide Registry (804) 367-4569
FAX (804) 527-4455

April 4, 2017

Tara Elizabeth Dolan, R.N.
2139 Sanctuary Court
Virginia Beach, VA 23454



RE: Case Number 177604

Dear Ms. Dolan:

Enclosed is a certified true copy of the Order entered by the Virginia Board of Nursing following the Formal Hearing held on March 20, 2017.

Should you have any questions regarding this matter, please contact our office at (804) 367-4665.

Sincerely,

Jodi Power, R.N., J.D.
Deputy Executive Director
Virginia Board of Nursing

JPP/sts

- cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
- Steve Bulger, Adjudication Specialist
- Kim Martin, RN, Senior Investigator
- James Schliessmann, Senior Assistant Attorney General
- Peggy Wood, Monitoring Program Manager
- Susan Brooks, Operations Manager, Administrative Proceedings Division

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TARA ELIZABETH DOLAN, R.N.
License Number: 0001-236827
Case Number: 177604

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 March 20, 2017, in Henrico County, Virginia, to inquire into evidence that Tara E. Dolan, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Tara Elizabeth Dolan, R.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated March 1, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Dolan notifying her that a formal administrative hearing would be held on March 20, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

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. Tara E. Dolan, R.N. was issued License Number 0001-236827 to practice professional nursing in the Commonwealth of Virginia on April 11, 2012. Ms. Dolan’s primary state of residence is Virginia.

2. By Consent Order of the Board entered March 22, 2012, the Board approved Ms. Dolan's application for licensure to practice professional nursing in the Commonwealth of Virginia contingent upon her entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP"). This Order was based on findings that Ms. Dolan had three convictions for driving under the influence and that she had received outpatient treatment for alcohol dependence.

3. On March 13, 2012, Ms. Dolan entered the HPMP, but was dismissed from the HPMP for noncompliance on January 26, 2015.

4. By Order of the Board of Nursing entered February 19, 2016, the Board reprimanded Ms. Dolan and indefinitely suspended her nursing license, but stayed the suspension contingent upon her re-entry into and compliance with the HPMP. The Order was based on findings that Ms. Dolan had been dismissed from the HPMP for her failure to enter and complete treatment as recommended, three positive alcohol screens, and her failure to maintain communication with her case manager.

5. Ms. Dolan signed a new Participation Contract with the HPMP on April 12, 2016. Ms. Dolan signed a new Recovery Monitoring Contract with the HPMP on July 15, 2016.

6. On November 18, 2016, Ms. Dolan was dismissed from the HPMP for continued use of alcohol, failure to comply with the toxicology screening program, failure to submit monthly reports, and failure to maintain communication with the HPMP.

7. Following her dismissal from the HPMP, and in accordance with the Board's Order of February 19, 2016, the stay of indefinite suspension was summarily rescinded on November 30, 2016.

8. Ms. Dolan did not respond to the Department of Health Professions ("DHP") investigator's attempts to contact her during her investigation. Ms. Dolan told the Board she failed to respond because, based on her previous experience with Board investigations, she felt it was incriminating to do so.

9. Ms. Dolan testified that she is not interested in the HPMP because she does not believe their testing is appropriate, fair, or FDA approved. Ms. Dolan provided an internet article that discussed the tests to which she was objecting, which the Board considered, but did not find compelling.

10. At the hearing, Ms. Dolan denied being an alcoholic and claimed that the only evidence before the Board that she has ever been diagnosed with alcohol dependence was solely based on ETG tests. The evidence, including prior Board Orders, however, demonstrated that Ms. Dolan has been diagnosed with alcohol dependence since 2010. At the hearing, Ms. Dolan challenged her previous diagnoses because they came from licensed counselors and not physicians. She told the Board that she is no longer alcohol dependent; she told the Board the last time she went to Alcoholics Anonymous was August 2016 because she was ordered to do so by the HPMP.

11. During the course of her investigation, the DHP investigator learned that Ms. Dolan had been practicing as a nurse without HPMP approval while she was enrolled in the program. Ms. Dolan testified that she was aware she was not supposed to work as a nurse without HPMP approval, and that her employer was not aware of the restrictions on her license.

12. Ms. Dolan testified that her date of sobriety is September 26, 2014.

CONCLUSIONS OF LAW

1. Finding of Fact No. 6 constitutes a violation of Virginia Code § 54.1-3007(6) and Term Number 6 of the Board's Order entered on February 19, 2016.

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

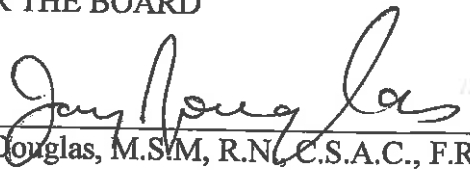
ORDER

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

1. The license issued to Tara Elizabeth Dolan, R.N., to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED for a period of not less than two years from the date of entry of this Order.
2. The license of Tara Elizabeth Dolan, R.N., will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Tara Elizabeth Dolan, R.N., seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Dolan to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. Dolan 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.

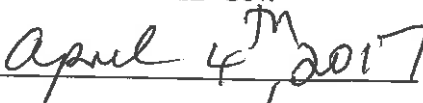
Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

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:



April 4th, 2017

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 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.