

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LORI BETH BAILEY, L.P.N.
License Number: 0002-073054
Case Number: 170244

RATIFICATION AND ORDER

On November 23, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Lori Beth Bailey, L.P.N., was not present nor was she represented by legal counsel.

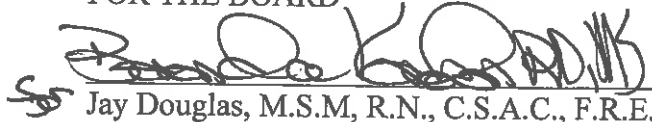
In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 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.

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

Since Ms. Bailey failed to appear at the informal conference, this Order shall be considered final. Ms. Bailey has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Bailey has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within 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, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

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:

November 23, 2014

Certified True Copy

By 
Virginia Board Of Nursing

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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliott, R.N. Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on September 13, 2016 in Henrico County, Virginia, to inquire into evidence that Lori Beth Bailey, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Ms. Bailey did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated August 8, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Bailey notifying her that an informal conference would be held on September 13, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The certified mail receipt was signed and returned to the Board office. The Notice sent by first class mail was not returned to the Board office. Ms. Bailey contacted the Board office to request a continuance on September 7, 2016. The request was denied for lack of good cause. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Bailey and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Lori Beth Bailey, L.P.N., was issued License Number 0002-073054 to practice practical nursing on March 2, 2006, which is scheduled to expire on July 31, 2018. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Florida.

2. Ms. Bailey violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice practical nursing due to mental illness, physical illness, and/or substance abuse, as evidenced by the following:

a. From on or about October 6 through October 10, 2015, Ms. Bailey received inpatient psychiatric treatment at the Lewis Gale Medical Center, Roanoke, Virginia, due to increasing symptoms of depression and substance abuse. Her discharge diagnoses included major depressive disorder, recurrent, severe, no psychosis; alcohol abuse; and opiate misuse.

b. In or about June 2016, Ms. Bailey's treating psychiatrist and her primary care provider both told the investigator for the Department of Health Professions that they did not believe Ms. Bailey was capable of practicing as a nurse at this time.

3. Ms. Bailey violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice practical nursing due to substance abuse. In October and November 2015, Ms. Bailey received substance abuse counseling from Psychological Health, Roanoke, Virginia for diagnoses including alcohol use disorder-moderate. Ms. Bailey was discharged from the practice after three sessions due to two missed appointments.

4. Ms. Bailey was last employed as a practical nurse with Endocrinology Associates, Roanoke, Virginia, for two months from April 7, 2014 through June 18, 2014. Ms. Bailey's employment was terminated due to her poor performance, the fact that she seemed confused and frustrated at work, and the fact that she was "untrainable."

5. On June 6, 2016, Ms. Bailey told an investigator for the Department of Health Professions that she was not practicing nursing at this time because she was on disability for psoriatic arthritis and peripheral neuropathy. Ms. Bailey also said that she had moved to Florida and had no plans to return to Virginia.

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

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The license issued to Lori Beth Bailey, L.P.N., to practice practical nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Ms. Bailey will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice practical nursing.
4. Should Ms. Bailey seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Bailey to demonstrate that she is safe and competent to return to the practice of practical nursing. Ms. Bailey 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.

Reviewed and approved on October 25, 2016
By Jane Elliott, R.N., Ph.D.
Agency Subordinate