

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       JESSICA MARTIN, R.N.  
              License No.: 0001-244888**

**AMENDED 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 October 6, 2014, in Henrico County, Virginia, to inquire into evidence that Jessica Martin, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. Ms. Martin was present and was not represented by counsel.

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

**FINDINGS OF FACT**

1. Jessica Martin, R.N., was issued License No. 0001-244888 to practice professional nursing in the Commonwealth of Virginia on June 18, 2013. Said license expires on June 30, 2016. Ms. Martin’s primary state of residence is Virginia.
2. By letter dated September 9, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Martin notifying her that an informal conference would be held on October 6, 2014. The Notice was sent by certified and first class mail to 1909 Case Knife Road, Pulaski, Virginia, 24301, the address of record on file with the Board of Nursing.
3. Ms. Martin has a history of substance abuse, specifically abuse of opiates, for which she has been treated with suboxone. She has continued to take suboxone without a prescription and is currently receiving substance abuse treatment with the TASL Clinic in Blacksburg, Virginia. Ms Martin’s substance abuse lasted approximately seven to eight years.

4. On her March 13, 2013, application for licensure as a professional nurse, Ms. Martin marked No to the question whether she had been convicted of, pled guilty to, or pled *nolo contendere* to the violation of any federal, state or other statute or ordinance constituting a felony or misdemeanor, although she was convicted of shoplifting in August 2008.

5. On August 19, 2008, Ms. Martin was convicted in the General District Court of Pulaski County, Virginia, of two counts of petit larceny, misdemeanors involving moral turpitude.

6. Ms. Martin reported her date of sobriety as May 8, 2008. She has a sponsor, she attends Caduceus meetings once a month and Alcoholics Anonymous or Narcotics Anonymous meetings twice per week, and she is currently working through the 12-step program. She submits to random urine drug screens and is under the care of an addiction specialist.

7. A regional executive with HCA's human resources department attended the informal conference in support of Ms. Martin and stated that the hospital was aware of Ms. Martin's history and that it supported Ms. Martin's continued employment with the hospital.

#### CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code in that you may be unable to safely practice nursing due to substance abuse and/or mental and/or physical illness.

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing.

3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(4) of the Code.

#### ORDER

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

1. The Committee shall TAKE NO ACTION at this time, contingent upon Ms. Martin's compliance with the following terms and conditions:

a. Ms. Martin shall submit “Self-Reports” which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self Reports must be submitted whether Ms. Martin has current practice employment or not. Written reports shall be sent to Compliance at the Board offices with the first report(s) 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 for two years from the date this Order is entered.

b. Ms. Martin shall submit quarterly reports from any physician from whom she receives substance abuse treatment, to include updates on her treatment progress and the results of any urine drug screens. Ms. Martin shall comply with any recommendations of the specialist. Written progress reports by the treatment provider shall be sent to the Board until Ms. Martin is discharged from therapy. Ms. Martin shall direct the treatment provider to notify the Board if she withdraws from the treatment program before being officially discharged by the treatment provider. The Board shall be notified immediately in writing if Ms. Martin refuses to give a specimen for analysis as required by this Order, or of any positive results. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

2. This order shall be applicable to Ms. Martin’s multistate licensure privilege, if any, to practice professional nursing. For the duration of this Order, Ms. Martin shall not work outside 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 Ms. Martin wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

3. Ms. Martin 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.

4. 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 Ms. Martin 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Martin may, not later than 5:00 p.m., on **December 2, 2014**, notify Jay P. 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, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:

*Gloria Pritchard*  
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for Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director, Virginia Board of Nursing

ENTERED: *November 6, 2014*  
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This Order shall become final on **December 2, 2014**, unless a request for a formal administrative hearing is received as described above.

**Certified True Copy**

By *Y. Robinson-Howe*  
**Virginia Board of Nursing**

*11-6-14*