

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: DENISE HARDEY, R.N.**  
**A.K.A. Denise Rusk Ballard Dunham**  
**A.K.A. Denise Rusk Ballard**  
**License Number: 0001-110995**  
**Issue Date: August 23, 1988**  
**Expiration Date: February 28, 2018**  
**Case Number: 170011**

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**AMENDED NOTICE OF INFORMAL CONFERENCE  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that an Informal Conference has been scheduled before the Board of Nursing ("Board") regarding your license to practice professional nursing in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is an informal conference before a Special Conference Committee of the Board of Nursing.
<b>DATE AND TIME:</b>	<b>October 6, 2016 10:30 A.M.</b>
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Committee is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Refer the matter to the Board of Nursing for a formal administrative hearing;
- Offer you a consent order for suspension or revocation of your license in lieu of a formal hearing.

**DEFAULT:**

If you fail to appear at the informal conference, the Committee may proceed to hear this matter in your absence and may take any of the actions outlined above.

**RESPONDENT'S LEGAL RIGHTS:**

You have the right to the information on which the Committee will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

**COMMONWEALTH'S EXHIBIT:**

Enclosed is a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

**FILING DEADLINES:**

1. Deadline for filing exhibits: **September 29, 2016**. Submit 5 copies of all documents you want the Board to consider to Dawnyel Towles, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including motions for continuance or objections to exhibits, in writing, to Dawnyel Towles at the above address: **September 29, 2016**. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

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**STATEMENT OF ALLEGATIONS**

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The Board of Nursing alleges that:

1. At all times relevant hereto, Denise Hardey, R.N. was licensed to practice professional nursing in the Commonwealth of Virginia.

2. Denise Hardey, R.N. violated Virginia Code § 54.1-3007(2), (5), (6) and (8) and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing in that during the course of her employment with Chesapeake Regional Medical Center, she participated with another nurse (“Nurse B”) who Ms. Hardey supervised, in the diversion of oxycodone (C-II), Percocet (oxycodone and acetaminophen, C-II), and hydrocodone (C-II), as evidenced by the following:

a. Ms. Hardey and Nurse B often pulled medications for a patient and then minutes later pulled the same medication for the same patient. Administration of the medications was often not documented. The medications were frequently wasted immediately after being vended, with each nurse witnessing the waste for the other nurse’s vends. Some medications were vended after the patient was discharged. For example:

i. On or about June 4, 2015, Nurse B pulled four tabs of oxycodone (20mg) at 14:27 for Patient A. Ms. Hardey documented the administration of 10 mg of oxycodone to Patient A at 14:32. Nurse B documented the waste of two tabs at 16:08, witnessed by Ms. Hardey. Nurse B also pulled two tabs of Percocet at 14:28 for Patient A. There is no record of administration. Nurse B wasted two tabs at 16:08, witnessed by Ms. Hardey.

ii. On or about June 5, 2015, Nurse B pulled two tabs of Percocet at 12:57 for Patient A, for which there is no documentation of administration, return, or waste. Denise Hardy then

pulled two tabs of Percocet at 13:30:50 for Patient A, for which there was no documentation of administration, return, or waste. Additionally, Patient A was discharged at 13:30.

iii. On or about June 29, 2015, Ms. Hardey pulled four tabs of oxycodone for Patient B at 16:03, for which there was no documentation of administration, return, or waste. Patient B was discharged at 15:59.

iv. On or about June 26, 2015, Ms. Hardey pulled one tab of hydrocodone/acetaminophen at 13:37 for Patient C, for which there was no documentation of administration, return, or waste.

v. On or about July 1, 2015, Ms. Hardey pulled four tabs of oxycodone at 11:20 for Patient D, for which there was no record of administration, return, or waste.

vi. On or about July 1, 2015, Nurse B pulled two tabs of Percocet at 09:55 for Patient D, for which there is no documentation of administration. Ms. Hardey pulled two tabs of Percocet at 10:19, for which there is no documentation of administration. Nurse B pulled two tabs of Percocet at 12:36, for which there is no record of administration. Ms. Hardey pulled two tabs of Percocet at 13:25, for which there is no record of administration. Ms. Hardey pulled two tabs of Percocet at 16:26, for which there was no record of administration. Patient D had been discharged at 16:23. Nurse B recorded the waste of two tabs of Percocet at 14:02:40, witnessed by Ms. Hardey. Nurse B recorded the waste of two tabs of Percocet at 14:02:41, witnessed by Ms. Hardey. Nurse B recorded the waste of two tabs of Percocet at 14:02:42, witnessed by Ms. Hardey.

vii. On or about July 20, 2015, Nurse B pulled two tabs of oxycodone for Patient E at 12:17, for which there is no record of administration. Nurse B documented the waste of two tabs of oxycodone at 13:59, witnessed by Ms. Hardey. Ms. Hardey pulled two tabs of oxycodone at 14:03, for which there is no record of administration, return, or waste. At 15:50 Nurse B pulled two tabs

of oxycodone, for which there is no record of administration. Nurse B recorded the waste of two tabs of oxycodone at 15:52:54, witnessed by Ms. Hardey. Nurse B also recorded the waste of two tabs of oxycodone at 15:52:55, witnessed by Ms. Hardey.

viii. On or about July 21, 2015, Nurse B pulled two tabs of oxycodone at 10:07 for Patient E, for which there is no record of administration. Nurse B recorded the waste of two tabs of oxycodone at 10:16, witnessed by Ms. Hardey. Nurse B pulled two tabs of oxycodone at 11:20 for Patient E, for which there is no record of administration. Nurse B recorded the waste of two of tabs of oxycodone at 15:30, witnessed by Ms. Hardey.

ix. On or about July 23, 2015, Nurse B pulled two tabs of oxycodone at 12:41 for Patient E for which there is no record of administration. Nurse B recorded the waste of two tabs of oxycodone at 12:45, witnessed by Ms. Hardey.

x. On or about July 24, 2015, Nurse B pulled two tabs of oxycodone at 10:42 for Patient E, for which there is no record of administration. Nurse B recorded the waste of two tabs of oxycodone at 10:49, witnessed by Ms. Hardey.

xi. On or about August 13, 2015, Nurse B pulled two tabs of Percocet at 12:44 for Patient F, for which there is no record of administration, return, or waste. Ms. Hardey pulled two tabs of Percocet for Patient F at 13:15, for which there is no record of administration. Ms. Hardey recorded the waste of two tabs of Percocet at 13:16, witnessed by Nurse B.

xii. On or about September 9, 2015, Nurse B pulled two tabs of Percocet for Patient G at 15:13:25 which was recorded as administered at 15:13. Nurse B pulled two tabs of Percocet at 15:27, for which there was no record of administration, return, or waste. Ms. Hardy pulled two tabs of Percocet at 17:22, for which there is no record of administration. Ms. Hardey documented the waste

of two tabs of Percocet at 17:22:14, witnessed by Nurse B. Ms. Hardey documented the waste of two tabs of Percocet at 17:22:57, witnessed by Nurse B.

xiii. On or about October 4, 2015, Nurse B pulled two tabs of Percocet for Patient H at 14:03, for which there is no record of administration. Nurse B recorded the waste of two tabs of Percocet at 14:33:34, witnessed by Ms. Hardey. Nurse B pulled two tabs of Percocet at 14:04, for which there is no record of administration. Nurse B recorded the waste of two tabs of Percocet at 14:33:35, witnessed by Ms. Hardey.

b. Ms. Hardey admitted that she knew Nurse B was diverting medications, that she had not witnessed all of Nurse B's wastes, and that Nurse B was using the medications for personal use. Nurse B admitted to diverting medications for three or four months, and to wasting empty packages in the sharps container.

See Confidential Attachment I for the names of the patients referenced above.



Gloria Mitchell-Lively, R.N., M.S.N., M.B.A.  
Deputy Executive Director  
Virginia Board of Nursing

9/8/16  
Date