

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**ALLISON P. MCDOWELL, R.N. APPLICANT**

**CONSENT ORDER**

The Virginia Board of Nursing ("Board") and Allison P. McDowell, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. McDowell's application for licensure to practice as a professional nurse in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Allison P. McDowell was issued a license to practice as a registered professional nurse in the State of West Virginia on July 9, 1981. Said license is scheduled to expire on October 31, 2012. Ms. McDowell submitted an application for licensure by endorsement as a professional nurse in the Commonwealth of Virginia, dated August 16, 2011. Her primary state of residence is Virginia.
2. Ms. McDowell admitted a history of chemical dependency to opioids since 1999, including Lortab and Percocet. She reported sobriety in 2009, but relapsed in 2011, after diverting medication while employed as a registered professional nurse in the State of West Virginia.
3. On October 14, 2011, Ms. McDowell entered into a participation contract with the Virginia Health Practitioners' Monitoring Program ("HPMP"). On December 5, 2011, she entered a Recovery Monitoring Contract with the HPMP.
4. Pursuant to a Consent Agreement with the West Virginia State Board of Examiners for Registered Professional Nurses entered on December 15, 2011, Ms. McDowell's license to practice as a registered professional nurse in the State of West Virginia was placed on probation on terms and conditions with the Impaired Nurse Program for a period of three years based upon her admitted diversion of Percocet for her own personal and unauthorized use, and her admitted substance abuse.

**CONCLUSIONS OF LAW**

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(6) of the Code of Virginia (1950), as amended (“Code”).
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(7) of the Code.
3. Ms. McDowell is a candidate for the HPMP.
4. Ms. McDowell otherwise meets the requirements of § 54.1-3018 of the Code.

**CONSENT**

Allison P. McDowell, by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her application for licensure to practice professional nursing in Virginia.

**ORDER**

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The application of Allison P. McDowell for licensure by endorsement to practice professional nursing is APPROVED contingent upon her continued compliance with the HPMP for the period specified by the HPMP.

2 Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. McDowell, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. McDowell shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. McDowell is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. McDowell involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. McDowell has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. McDowell's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. McDowell's appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. McDowell's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. McDowell shall 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 Ms. McDowell wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. McDowell 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 upon request.

FOR THE BOARD

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

ENTERED: March 12, 2012

SEEN AND AGREED TO:

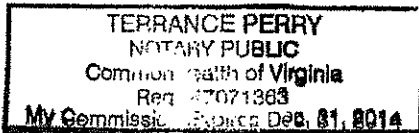
*Allison P. McDowell*  
Allison P. McDowell

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF Albemarle, TO WIT:

Subscribed and sworn to before me, Terrance Perry, a Notary Public, this 2<sup>ND</sup> day of March, 2012.

My commission expires 12/31/2014.

Registration Number 707 1363.



*Terrance Perry*  
Terrance Perry  
NOTARY PUBLIC