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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: AMBER HARRIS, L.P.N.
 License No.: 0002-066126**

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Nursing ("Board") on February 10, 2015, in Henrico County, Virginia, inquire into evidence that Amber Harris, L.P.N., may have violated certain terms and conditions imposed on her license to practice practical nursing in Virginia, as set forth in the Order of the Board entered on April 9, 2014, and to inquire into evidence that Ms. Harris may have violated certain laws governing the practice of nursing in Virginia. Ms. Harris was present and was not represented by counsel.

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

FINDINGS OF FACT

1. Amber Harris, L.P.N., was issued License No. 0002-066126 to practice practical nursing in the Commonwealth of Virginia on April 25, 2003. Said license expires on August 31, 2016. Ms. Harris' primary state of residence is Virginia.
2. By letter dated January 13, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Harris notifying her that an informal conference would be held on February 10, 2015. The Notice was sent by certified and first class mail to 403 N. Ivy Avenue, Highland Springs, Virginia, 23075, the address of record on file with the Board of Nursing. By letter dated February 10, 2015, the Board hand-delivered an Amended Notice of Informal Conference to Ms. Harris.

3. On April 9, 2014, the Board entered an Order (“Board’s Order”) placing Ms. Harris on probation with terms and conditions based on findings that Ms. Harris had a history of substance abuse.

4. Term No. 7 of the Board’s Order required her to provide a written report from a prescribing practitioner for any prescription for a Schedule II through V controlled substance to the Board within 10 days of the date the medication was prescribed.

5. Ms. Harris did not notify the Board about her May 11, 2014, prescription for hydrocodone. She stated at the informal conference that at the time, she was in active addiction and manipulated another doctor who was not aware of her drug problem to obtain this prescription.

6. Term No. 8 of the Board’s Order required Ms. Harris to submit to two unsupervised unannounced random drug screens a month from a Board-approved testing entity, to include testing for alcohol, fentanyl, opiates, and benzodiazepines, and to ensure the first set of results be received by the Board no later than June 8, 2014.

7. Ms. Harris stated at the informal conference that she did not submit to any drug screens because she did not have the money or desire to comply with the Board’s Order because she was actively using drugs at the time.

8. Term No. 9 of the Board’s Order required Ms. Harris to attend Narcotics Anonymous (“NA”) support group meetings two times per week and have written evidence of attendance by a sponsor or contact person sent to the Board within 30 days of each meeting.

9. Ms. Harris stated at the informal conference that she attended NA meetings sporadically at best and did not have written evidence of her attendance sent to the Board.

10. Term No. 11 of the Board’s Order required Ms. Harris to submit Self-Reports, to include a current address telephone number and verification of employment quarterly on the last day of the months of March, June, September, and December.

11. Ms. Harris has not submitted any Self-Reports since July 2014.
12. Term No. 13 of the Board's Order required that Ms. Harris conduct herself as a practical nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Regulations Governing the Practice of Nursing.
13. Ms. Harris admitted that she is an addict and will always be one. She stated opiates were her drug of choice but that she has been sober since September 27, 2014. She stated she completed a 28-day residential treatment program at the Farley Institute and currently lives in a sober living facility called the Peer House. As a resident of the Peer House, she is required to submit to random drug screens and to attend at least four NA/AA meetings per week. On October 1, 2014, while receiving residential treatment at Farley, Ms. Harris submitted a petition for modification of Term No. 8 of the Board's Order, requesting that the Board decrease the frequency of her required drug screens to a quarterly schedule or to defer the required drug screens until she obtained employment.
14. Ms. Harris stated her inability at the time to afford the drug screenings was the basis of her petition to modify Term No. 8 of the Board's Order.
15. Ms. Harris is currently under the care of a physician for rheumatoid arthritis and depression. She currently takes Celexa for depression, Plaquinil for rheumatoid arthritis, and Aleve on a PRN basis.
16. Ms. Harris expressly stated at the informal conference that she wishes to enter the Health Practitioners' Monitoring Program ("HPMP") and has spoken to the Program's intake manager. She stated that she recognizes that she is not ready to return to practice as a nurse. She is now putting her recovery first and is willing to enter HPMP.

CONCLUSIONS OF LAW

1. Finding of Fact No. 5 constitutes a violation of Term No. 7 of the Board's Order.
2. Finding of Fact No. 7 constitutes a violation of Term No. 8 of the Board's Order.

3. Finding of Fact No. 9 constitutes a violation of Term No. 9 of the Board's Order.
4. Finding of Fact No. 11 constitutes a violation of Term No. 11 of the Board's Order.
5. Finding of Fact No. 13 constitutes a violation of Term No. 13 of the Board's Order and § 54.1-3007(6) of the Code.
6. Based on the above Findings of Fact, the Committee concludes that Ms. Harris is a candidate for the Health Practitioners' Monitoring Program ("HPMP").

CONSENT

Amber Harris, L.P.N., 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 a formal fact finding hearing 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 a formal hearing;
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 right to practice practical 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 petition for modification of Term No. 8 of the Board's April 9, 2014, Order is hereby DENIED.
2. The probation of Amber Harris, L.P.N., is hereby TERMINATED.
3. License No. 0002-066126 of Amber Harris, L.P.N., is INDEFINITELY SUSPENDED.
4. The license will be recorded as suspended and no longer current.
5. At such time as Ms. Harris shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Harris shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
5. This suspension applies to any multistate privilege to practice practical nursing.
6. This suspension shall be STAYED upon proof of Ms. Harris's entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Ms. Harris shall comply with all terms and conditions for the period specified by the HPMP.
 - b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Harris, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:
 - i. Ms. Harris is not in compliance with the terms and conditions specified by the HPMP;
 - ii. Ms. Harris's participation in the HPMP has been terminated;
 - iii. There is a pending investigation or unresolved allegation against Ms. Harris involving a violation of law, regulation, or any term or condition of this order.

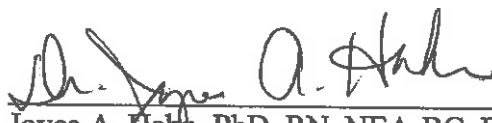
7. This Order is applicable to Ms. Harris's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Harris shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Harris wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

8. Ms. Harris is hereby REPRIMANDED.

9. Ms. Harris shall maintain a course of conduct in her capacity as a practical 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



Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
President, Virginia Board of Nursing

ENTERED: 3/24/2015

SEEN AND AGREED TO:

Amber Harris, L.P.N.
Amber Harris, L.P.N.

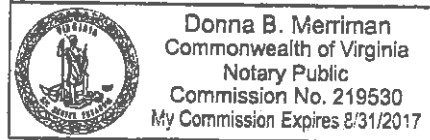
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Chesterfield, TO WIT:

Subscribed and sworn to before me, Donna Merriman, a Notary Public, this 10th day of March, 2015.

My commission expires August 31, 2017.

Registration Number 219530

Donna Merriman
NOTARY PUBLIC



Certified True Copy

By Steve G.
Virginia Board of Nursing