

**BEFORE THE VIRGINIA COMMITTEE OF THE JOINT BOARDS OF NURSING AND
MEDICINE**

**IN RE: Patricia Anna Holbert L.N.P.
License Number: 0024-078406
License Number: 0017-001029
Case Number: 169309**


RATIFICATION AND ORDER

On October 12, 2016, a panel of the Committee of the Joint Boards of Nursing and Medicine met to receive and act upon the Recommended Decision of the Agency Subordinate. Patricia Anna Holbert L.N.P. was present and was not represented by legal counsel.

In consideration whereof, the Committee of the Joint Boards of Nursing and Medicine 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.

FOR THE COMMITTEE OF THE JOINT
BOARDS



Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing and Medicine

ENTERED AND MAILED ON:

October 14th, 2016

Certified True Copy

By 
Virginia Board of Nursing

Since Ms. Holbert failed to appear at the informal conference, this Order shall be considered final. Ms. Holbert 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. Holbert 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 and Medicine, 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.

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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), Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate of the Virginia Committee of the Joint Boards of Nursing and Medicine ("Committee of the Joint Boards"), held an informal conference on May 26, 2016 in Henrico County, Virginia, to consider the request of Patricia Anna Holbert L.N.P. for an extension to meet the terms of probation by Order of the Committee of the Joint Boards entered February 27, 2009.

Ms. Holbert 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 Committee of the Joint Boards adopt the following Order.

Notice

By letter dated May 10, 2016, the Committee of the Joint Boards sent a Notice of Informal Conference ("Notice") to Ms. Holbert notifying her that an informal conference would be held on May 26, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Committee of the Joint Boards. The Notice sent by certified mail was delivered on May 12, 2016. As of May 26, 2016, the Notice sent by first class mail was not returned to the Committee of the Joint Boards' office. On May 25, 2016, Ms. Holbert contacted the Committee of the Joint Boards

to request a continuance, due to a recent fall. She was advised to submit a doctor's note and was provided the Committee of the Joint Boards' fax number. The fax was not received until the afternoon of May 26, 2016. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Holbert and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Patricia Anna Holbert L.N.P. was issued License Number 0024-078406 to practice as a nurse practitioner on October 7, 1996, which is scheduled to expire on May 31, 2018, and was issued Prescriptive Authority Number 0017-001029 on October 7, 1996, which is scheduled to expire on May 31, 2018. She was issued License Number 0001-078406 to practice professional nursing on September 10, 1980, which is scheduled to expire May 31, 2018.

2. By Order of the Committee of the Joint Boards entered February 27, 2009, Ms. Holbert's nurse practitioner license and prescriptive authority were placed on indefinite probation for not less than one year of active employment as a nurse practitioner with prescriptive authority, subject to terms and conditions. This action was based on her writing prescriptions without a Committee of the Joint Boards-approved prescriptive authority agreement with her supervising physicians and writing prescriptions for a personal friend who was not her patient.

3. On March 21, 2016, Ms. Holbert submitted a written request for an extension to satisfy Term Number 1 of the Committee of the Joint Boards' Order, which required that she complete one year of active nurse practitioner practice with prescriptive authority. Ms. Holbert has only completed one and a half months of practice as a nurse practitioner with prescriptive authority.

4. Ms. Holbert stated that she was having difficulty finding a physician to allow her to work with him, and requested an extension to complete Term 1 of the Order.

5. This matter is properly before the Committee of the Joint Boards.

Recommended Order

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

1. Patricia Anna Holbert is CONTINUED on INDEFINITE PROBATION for a period of not less than 12 months subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall continue indefinitely. After a period of not less than one year of active employment in both capacities as a nurse practitioner with prescriptive authority, Ms. Holbert may petition the Committee of the Joint Boards to reinstate her license and her authority to prescribe without restriction.

b. Ms. Holbert shall notify the Committee of the Joint Boards in writing within ten days of the date she changes employment, or any interruption in her nurse practitioner or prescriptive authority practice. Additionally, Ms. Holbert shall provide the name and address of each employer to the Committee of the Joint Boards.

c. Ms. Holbert shall inform her current nurse practitioner employer and each future nurse practitioner employer that the Committee of the Joint Boards has placed her on probation and shall provide each employer with a complete copy of this Order.

d. Performance Evaluations shall be provided quarterly, at the direction of Ms. Holbert, as provided by the Compliance Division.

e. Ms. Holbert shall submit a copy of a written practice agreement jointly developed between herself and the collaborating patient care team physician that meets the requirements of 18 VAC 90-30-10 of the Regulations Governing the Licensure of Nurse Practitioners for review by the Committee of Joint Boards. Ms. Holbert's practice shall be consistent with and in accordance with the forgoing


regulations. Ms. Holbert shall not prescribe any Schedule II-V controlled substances for a period of not less than one year.

2. Ms. Holbert shall conduct herself as a licensed nurse practitioner in compliance with the requirements of Title 54.1, Chapter 30 of the Code of Virginia (1950), as amended, and the Board of Nursing Regulations

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the nurse practitioner license and prescriptive authority of Ms. Holbert and an administrative proceeding shall be held to decide whether her nurse practitioner license and prescriptive authority shall be revoked.

Reviewed and approved on June 28, 2016
By Allison Gregory, M.S., R.N., F.N.P.-B.C.
Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing