

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ELIZABETH MARIE WELLS, R.N.
License Number: 0001-200129
Case Number: 171578

RATIFICATION AND ORDER

On September 21, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Elizabeth Marie Wells, R.N. was not present nor was she represented by legal counsel.

In consideration whereof, the Board of Nursing 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.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Wells may, not later than 5:00 p.m., on November 5, 2016, notify Jay 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 BOARD

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

ENTERED AND MAILED ON:

October 3, 2016

This Order shall become final on November 5, 2016, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By *D. Sawler*
Virginia Board of Nursing

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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), Jane Elliott, R.N., Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing ("Board"), held an informal conference on July 7, 2016 in Henrico County, Virginia, to inquire into evidence that Elizabeth Marie Wells, R.N. may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Wells appeared 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 Board adopt the following Order.

Notice

By letter dated June 14, 2016, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Wells notifying her that an informal conference would be held on July 7, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing.

Recommended Findings of Fact and Conclusions of Law

1. Elizabeth Marie Wells, R.N. was issued License Number 0001-200129 to practice professional nursing on February 28, 2006, which is scheduled to expire on August 31, 2017. At all times relevant to the allegations herein, said license was in full force and effect. Her primary state of residence is Virginia.
2. During the course of her employment with Heritage Hall, Clintwood, Virginia, Ms. Wells violated Virginia Code § 54.1-3007(2), (5), (6) and (8) and 18 VAC 90-20-300(A)(2)(c) and (e) in that she diverted narcotics for her personal and unauthorized use, as evidenced by the following:
 - a. On December 4, 2015, at the beginning of the 7a.m. to 3p.m. shift, the oxycodone (C-II) count for Resident A was 24 tablets. Even though the count sheet was not completely full, Ms. Wells started a new count sheet and indicated that at 8a.m. on the same date, the oxycodone count was 19 tablets after she administered one dose, which left four tablets unaccounted for.
 - b. On December 7, 2015, at the beginning of the 7a.m. to 3p.m. shift, the oxycodone count for Resident B was 25 tablets. Even though the count sheet was not completely full, Ms. Wells started a new count sheet and indicated that at 8a.m. on the same date, the oxycodone count was 22 tablets after she administered one dose, which left two tablets unaccounted for.
 - c. On December 11, 2015, Ms. Wells was asked to provide a drug screen and she admitted that the screen would be positive for marijuana, as well as drugs for which she did not have a prescription.
3. Ms. Wells' employment was terminated on December 12, 2015. She denied diverting any medication.
4. Ms. Wells violated Virginia Code § 54.1-3007(6) in that:

a. On December 27, 2015, Ms. Wells entered substance abuse treatment at The Life Center of Galax and admitted to daily use of morphine for the past three months, daily use of Lortab (hydrocodone, C-II) for seven years and weekly use of marijuana.

b. On a drug screen conducted by The Life Center of Galax on December 28, 2015, Ms. Wells tested positive for opiates and cannabinoid.

c. On January 26, 2016, Ms. Wells entered substance abuse treatment at Watauga Recovery Center, Johnson City, Tennessee, and admitted that her drug of choice was oxycodone (C-II). She also admitted to using morphine, hydrocodone, marijuana, Xanax (alprazolam, C-IV) and Klonopin (clonazepam, C-IV). On February 2, 2016, Ms. Wells tested positive for tetrahydrocannabinol and on March 1, 2016, she tested positive for clonazepam.

5. Ms. Wells reported that she attends the aftercare program at Watauga Recovery Center. She attends Narcotics Anonymous meetings two to three times a week. Drug screens are performed; however, they are not random and are not performed using chain of custody. She sees a psychologist every two weeks and is prescribed Zoloft (sertraline), Prilosec (omeprazole), Robaxin (methocarbamol), Lamictal (lamotrigine), trazodone and ibuprofen by a nurse practitioner.

6. Ms. Wells was rehired at Heritage Hall on February 16, 2016. She is currently the MDS Coordinator and also works on the floor administering medications, including narcotics.

Recommended Order

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

1. The license of Elizabeth Marie Wells to practice professional nursing is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended.

3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Elizabeth Marie Wells seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Elizabeth Marie Wells to demonstrate that she is safe and competent to return to the practice of professional nursing. Elizabeth Marie Wells shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.
5. The suspension shall be STAYED upon proof of Elizabeth Marie Wells' entry into a Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP").
6. Upon stay of the suspension, Elizabeth Marie Wells shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
7. Upon receipt of evidence of Elizabeth Marie Wells' participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Elizabeth Marie Wells' appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.
8. This Order is applicable to Elizabeth Marie Wells' multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Elizabeth Marie Wells 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 she seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.
9. Failure to comply with the terms and conditions of the stay of suspension shall be reason for summarily rescinding the stay of suspension of the license of Elizabeth Marie Wells, and the

license shall be recorded as suspended. After any rescission of the stay of suspension, a formal administrative proceeding shall be instituted.

10. Elizabeth Marie Wells shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Reviewed and approved on July 26, 2016
By Jane Elliott, R.N., PhD.
Agency Subordinate

Certified True Copy

By J. Fowler
Virginia Board of Nursing