

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **ALLYSON SOLLY, R.N.**
License Number: 0001-231719
Case Number: 170690, 170691

RATIFICATION AND ORDER

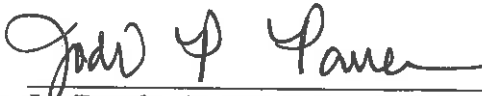
On September 21, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Allyson Solly, R.N. was not present nor was she represented by legal counsel.

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.

Since Ms. Solly failed to appear at the informal conference, this Order shall be considered final. Ms. Solly 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. Solly 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 P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 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.

FOR THE BOARD

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

Certified True Copy

By 
Virginia Board of Nursing

ENTERED AND MAILED ON:

October 3, 2016

BEFORE THE 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., PhD., 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 Allyson Solly, R.N. may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Solly 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 Board adopt the following Order.

Notice

By letter dated June 13, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Solly 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. According to the USPS website, as of the date of the informal conference, the Notice sent by certified mail remained unclaimed at the post office. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms.Solly and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Allyson Solly, R.N. was issued License Number 0001-231719 to practice professional nursing on July 5, 2011, which is scheduled to expire on July 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 Sentara Norfolk General Hospital, Norfolk, Virginia:

a. Ms. Solly violated Virginia Code § 54.1-3007(2), (5) and (6) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that by her own admission, on November 11, 2015, Ms. Solly diverted fentanyl that was to be wasted, for her personal and unauthorized use.

b. Ms. Solly violated Virginia Code § 54.1-3007(5) in that a pharmacy audit for the period August 20, 2015 to November 11, 2015, revealed six instances wherein she failed to document the administration and/or wasting of narcotics.

3. Ms. Solly was employed at Sentara Norfolk General Hospital from December 5, 2011 to November 19, 2015, when her employment was terminated.

4. Ms. Solly violated Virginia Code § 54.1-3007(6) in that on December 16, 2015, she entered a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"), for substance abuse and/or mental illness.

5. On February 23, 2016, Ms. Solly reported to the HPMP that she had began employment at Cozy Homecare of Virginia in a secretarial position. On March 30, 2016, the employer confirmed that Ms. Solly had been practicing as a nurse since she begun employment on February 3, 2016; however, the HPMP had not approved Ms. Solly to look for nursing employment. On March 31, 2016,

Cozy Homecare of Virginia reported that Ms. Solly's employment had been terminated. On April 5, 2016, Ms. Solly was immediately dismissed from the HPMP for practicing nursing without approval.

6. Ms. Solly violated Virginia Code § 54.1-3007(6) in that on March 3, 2016, in the General District Court of Virginia Beach, Virginia, she was convicted of driving while under the influence of drugs, first offense, for an offense that occurred on November 11, 2015. Ms. Solly was sentenced to one year in jail, suspended, and placed on unsupervised probation for 24 months. She was also ordered to complete the Virginia Alcohol Safety Action Program and pay fines and court costs totaling \$461.00, which were paid on March 3, 2016.

7. On April 19, 2016, in the Circuit Court of Virginia Beach, Virginia, Ms. Solly pled guilty to possession of a Schedule I or II drug, a felony, based on her diversion of fentanyl referenced above. She was placed on deferred disposition and is scheduled to return to court on April 19, 2017.

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 issued to Allyson Solly to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Allyson Solly will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Allyson Solly seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Allyson Solly to demonstrate that she is safe and competent to return to the practice of professional nursing. Allyson Solly 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.

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