

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: DONNA MARIE M. PALACIOZ, R.N.**

**License Number: 0001-139835**

**Case Number: 170558**

**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. Donna Marie M. Palacios, 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.

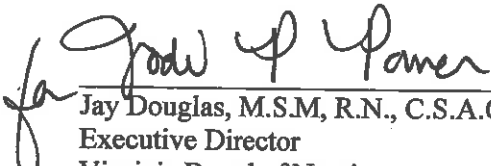
Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Palacios may, not later than 5:00 p.m., on November 1, 2016, notify Jay Douglas, 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

**Certified True Copy**

By   
**Virginia Board of Nursing**

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

ENTERED AND MAILED ON:

September 29, 2016

This Order shall become final on November 1, 2016, unless a request for a formal administrative hearing is received as described above.

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**IN RE:           DONNA MARIE M. PALACIOZ, R.N.**  
**License Number: 0001-139835**  
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**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

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**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 Board of Nursing (“Board”), held an informal conference on July 14, 2016 in Henrico County, Virginia, to inquire into evidence that Donna Marie M. Palacios, R.N. may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Palacios appeared at this proceeding and was represented by Joyvan Malbon-Griffin, Esquire.

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 21, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Palacios notifying her that an informal conference would be held on July 14, 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. Donna Marie M. Palacios, R.N. was issued License Number 0001-139835 to practice professional nursing on August 10, 1994, which is scheduled to expire on June 30, 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. Ms. Palacios violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing (“Regulations”) in that during the course of her employment with Chesapeake Regional Medical Center, Chesapeake, Virginia, she made multiple errors involving the administration of narcotic medications, as evidenced by the following:

a. On September 23, 2015, Ms. Palacios documented withdrawal of oxycodone (C-II) 5mg for Patient B at 8:55 p.m., but she failed to document administration or wastage.

b. On September 27, 2015, Ms. Palacios documented withdrawal of Dilaudid (hydromorphone, C-II) 1mg to Patient A at 8:27 p.m., but she failed to document administration or wastage.

c. On September 27, 2015, Ms. Palacios documented withdrawal of morphine (C-II) 15mg at 8:11 p.m. for Patient C, but she failed to document administration or wastage.

d. On October 2, 2015, Ms. Palacios documented administration of morphine 4mg to Patient D by injecting it into his right deltoid, when patient D’s physician order called for intravenous administration.

3. As a result of these incidents, Ms. Palacios’s employment with Chesapeake Regional Medical Center was terminated on October 12, 2015.

4. At the informal conference, Ms. Palacios attributed her documentation problems to a perceived lack of an adequate orientation at Chesapeake Regional Medical Center and that she had a lot of difficulties transitioning back to bedside nursing. Ms. Palacios also stated that she had difficulties transitioning to working the night shift and using the computer system at Chesapeake

Regional Medical Center. She had previously worked in an infusion center and in radiology, where the pace was slower.

5. Ms. Palacioz violated Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that, on her application for employment with Chesapeake Regional Medical Center dated April 30, 2015, Ms. Palacioz wrote that her reason for leaving employment with Sentara Obici Hospital, Suffolk, Virginia, was “lack of managerial direction and desire to return to bedside nursing,” and she falsely answered “no” to two questions asking if she had ever been discharged or involuntarily terminated from an employment position. In fact, Ms. Palacioz’s employment with Sentara Obici Hospital was terminated on March 16, 2015 for multiple patient care and practice issues.

6. At the informal conference, Ms. Palacioz stated that she had been employed at Sentara Obici Hospital since 1994. In recent years prior to her termination, she had multiple disciplinary actions for patient care issues, unsafe practices, and patient complaints, including expressing personal doubts about the value of chemotherapy in front of a newly diagnosed cancer patient. Ms. Palacioz failed to give a valid explanation for such comments. She stated that she was not speaking directly to or caring for that particular patient. Ms. Palacioz was unable to see the potential harm these comments could cause the patient.

### **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. Donna Marie M. Palacioz, R.N. is placed on PROBATION for a period of not less than 12 months of active professional nursing practice subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Palacioz has completed 12 months of active professional nursing practice.

b. The license shall be reinstated without restriction upon completion of the probation terms unless there is a pending investigation or unresolved allegation involving a violation of law or regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely until such time as the Board makes a case decision in accordance with the Administrative Process Act (Virginia Code § 2.2-4000 *et seq.*) and Virginia Code § 54.1-2400(9).

c. Ms. Palacioz shall only practice professional nursing upon the Board's approval of the employment setting.

d. Ms. Palacioz shall not practice professional nursing until she provides proof satisfactory to the Board of successful completion of a Board-approved nursing refresher course. Continuing education obtained through compliance with this term shall not be used toward licensure renewal.

e. Ms. Palacioz shall submit "Self Reports" which include a current address, telephone number, email address, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self Reports must be submitted whether Ms. Palacioz has current practice employment or not. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 60 days from the date of entry of the Order and subsequent reports due the last day of the March, June, September, and December until Ms. Palacioz is notified, in writing, that the reporting requirement is ended. Ms. Palacioz shall notify the Board within ten days, in writing, of changes in the location of her practice, additional practice locations, change in employment, including termination, suspension, separation, or other interruption in practice (including the name and address of any new employer and the date of employment), change in address, telephone number, or e-mail address, or criminal charges or convictions.

f. Ms. Palacioz shall provide her current and each future nursing practice employer and supervisor immediately upon employment with a copy of this Order in its entirety, within 45 days of the entry of the Order.

g. Ms. Palacioz shall ensure that the supervisor shall provide quarterly reports to the Board regarding Ms. Palacioz's clinical performance. The reports shall be submitted on a quarterly basis to the Board, with the first report due no later than 45 days of the entry of this Order and subsequent reports due the last day of the months of March, June, September and December until Ms. Palacioz is notified, in writing, that the reporting requirement is ended.

h. Ms. Palacioz shall, within 45 days of the date of entry of this Order, return all copies of her current license, along with any required fee, to the Board office, and the Board shall issue a license marked "Valid in Virginia Only: Probation with Terms."

i. Ms. Palacioz shall sign all required medical releases and authorization forms within 60 days of the date of entry of this Order allowing for unrestricted communication between and among the Board and her practice supervisor(s), her employer(s) or potential or intended employer(s).

j. Ms. Palacioz shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

k. This Order is applicable to Ms. Palacioz's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Palacioz 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.

2. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional nursing shall constitute grounds for further disciplinary action.

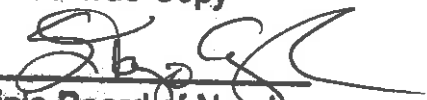
3. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the license of Ms. Palacioz, and an administrative proceeding shall be held to determine whether to impose such action.

4. This Order shall remain in effect until the Board has notified Ms. Palacioz in writing that she is released from probation.

5. The Executive Director of the Board is authorized to issue an Order acknowledging satisfactory completion of the foregoing conditions or to refer the matter to an administrative proceeding for review of Ms. Palacioz's compliance with the foregoing conditions.

Reviewed and approved on August 16, 2016  
By Allison Gregory, M.S., R.N., F.N.P.-B.C.  
Agency Subordinate

Certified True Copy

By   
Virginia Board of Nursing