

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LINDSAY M. BATEMAN, R.N.  
License Number: 0001-237824  
Case Number: 170728

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. Lindsay M. Bateman, R.N. was not present nor was she represented by legal counsel.

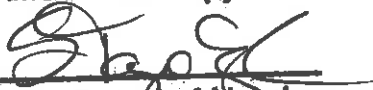
In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

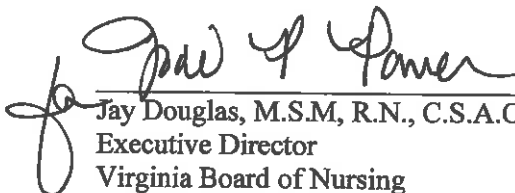
Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Bateman 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.

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           LINDSAY M. BATEMAN, R.N.**  
**License Number: 0001-237824**  
**Case Number:        170728**

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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 Lindsay M. Bateman, R.N. may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Bateman 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 24, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Bateman 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.     Lindsay M. Bateman, R.N. was issued License Number 0001-237824 to practice professional nursing on June 13, 2012, which is scheduled to expire on May 31, 2017. At all times

relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.

2. Ms. Bateman violated Virginia Code § 54.1-3007(2), (5), (6), and (8) and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing (“Regulations”) in that during the course of her employment with Bridgewater Retirement Community, Bridgewater, Virginia, in October and November 2015, by her own admission, Ms. Bateman diverted medications including Klonopin (clonazepam, C-IV), Wellbutrin (bupropion), Percocet (oxycodone/paracetamol, C-II), and oxycodone (C-II) from multiple residents for her own personal and unauthorized use and consumed said medications while at work. Ms. Bateman accomplished this by removing tablets from the residents’ medication packs and replacing them with different medications.

3. Ms. Bateman violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that during the course of her employment with Bridgewater Retirement Community, between October 19 and 23, 2015, she falsified the signatures of two other nurses to sign out oxycodone 5mg tablets.

4. As a result of these incidents, Ms. Bateman’s employment with Bridgewater Retirement Community was terminated on November 16, 2015.

5. At the informal conference, Ms. Bateman stated that she was currently unemployed and had no immediate plans to return to nursing practice.

6. Ms. Bateman violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice due to substance abuse, chemical dependency, and/or mental illness, as evidenced by the following:

a. Ms. Bateman received treatment at the Life Center of Galax, Galax, Virginia, from November 20 through December 18, 2015. Ms. Bateman’s diagnoses included opioid use disorder and alcohol use disorder.

b. In a written statement submitted to the investigator for the Department of Health Professions in response to these allegations, Ms. Bateman wrote that her pain, anxiety, and depression led to her decision to divert resident medications.

7. Ms. Bateman R stated that her date of sobriety is November 14, 2015. She stated that she attends 12-Step meetings three to four times a week and that she has a sponsor.

8. Ms. Bateman entered into the Health Practitioners' Monitoring Program ("HPMP") and signed her Participation Contract on February 10, 2016. Ms. Bateman stated that she is under a Recovery Monitoring Contract and that she remains compliant. She has completed the treatment that has been recommended by the Hanover Community Services Board, but has voluntarily chosen to extend treatment.

9. At the informal conference, Ms. Bateman was remorseful and took responsibility for her actions. She stated that this has been the worst thing that she has ever done, but she has learned a lot and grown a lot from her experience.

### **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 Lindsay M. Bateman, R.N. to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Ms. Bateman will be recorded as SUSPENDED.
3. The suspension is STAYED and shall remain stayed contingent upon Ms. Bateman's continued compliance with all terms and conditions of the HPMP for the period specified by the HPMP.

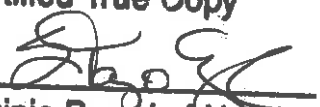
4. Ms. Bateman shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

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

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

7. Upon receipt of evidence of Ms. Bateman's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Bateman's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

Reviewed and approved on September 1, 2016  
By Allison Gregory, M.S., R.N., F.N.P.-B.C.  
Agency Subordinate

Certified True Copy  
By   
Virginia Board of Nursing