

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: BARBARA GAYLE HOY, R.M.A.
Registration Number: 0031-007456
Case Number: 172022, 169084

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. Barbara Gayle Hoy, R.M.A. 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. Hoy failed to appear at the informal conference, this Order shall be considered final. Ms. Hoy 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. Hoy 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

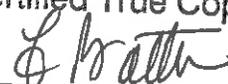


~~S~~ Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

Sept 29, 2016

Certified True Copy

By 
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), Judith Piersall, R.N., B.S.N., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on July 12, 2016 in Henrico County, Virginia, to inquire into evidence that Barbara Gayle Hoy, R.M.A. may have violated certain laws and regulations governing the practice of medication aides in the Commonwealth of Virginia.

Ms. Hoy 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 16, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Hoy notifying her that an informal conference would be held on July 12, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. The Notice sent via certified mail was returned unclaimed to the Board office. The Notice sent via first-class mail was returned to the Board office marked “Moved-Unable to Forward-Return to Sender.” Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms.Hoy and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Barbara Gayle Hoy, R.M.A. was issued Registration Number 0031-007456 to practice as a medication aide on February 7, 2014, which expired on February 29, 2016. At all times relevant to the findings herein, said registration was in full force and effect.
2. Barbara Gayle Hoy, R.M.A., violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-60-120(2)(c) of the Regulations Governing the Registration of Medication Aides in that during the course of her employment with Mountainside Senior Living, Crozet, Virginia, Ms. Hoy diverted approximately 39 tablets of methadone (C-II) for her personal and unauthorized use, and she destroyed the accompanying narcotic count sheet to conceal her diversion.
3. The facility reported that Ms. Hoy did not exhibit any signs of impairment, and there was no evidence that Ms. Hoy had a substance abuse problem issue.
4. Ms. Hoy's employment with Mountainside Senior Living was terminated.
5. Ms. Hoy did not submit to an interview with the investigator for the Department of Health Professions.
6. On April 6, 2016, in the Albemarle County, Virginia, Circuit Court, Ms. Hoy entered a plea of guilty to a charge of obtaining drugs by fraud – first offense. The Court placed Ms. Hoy in first-offender status and continued the case to April 12, 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 right to renew the registration issued to Barbara Gayle Hoy to practice as a medication aide in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The registration of Barbara Gayle Hoy will be recorded as SUSPENDED.

3. Should Barbara Gayle Hoy seek reinstatement of her registration, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Barbara Gayle Hoy to demonstrate that she is safe and competent to return to the practice of a medication aide. Barbara Gayle Hoy shall be responsible for any fees that may be required for the reinstatement and/or renewal of the registration prior to issuance of the registration to resume practice.

Reviewed and approved on August 11, 2016
By Judith Piersall, R.N., B.S.N.
Agency Subordinate