

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MARY WAYNE MCGHEE, R.N.
License Number: 0001-151338
Case Number: 170509

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing (“Board”) and Mary Wayne McGhee, R.N., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. McGhee’s license to practice professional nursing in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Mary Wayne McGhee, R.N. was issued License Number 0001-151338 to practice professional nursing on November 13, 1996, which is scheduled to expire on September 30, 2016. Her primary state of residence is Virginia.
2. Mary Wayne McGhee, R.N. 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 in that during the course of her employment with Rainbow Station, Glen Allen, Virginia, between August and October 2015, Ms. McGhee diverted approximately ten tablets of Ritalin (methylphenidate, C-II) from the supply of Client A for her own personal and unauthorized use. Further, Ms. McGhee removed sheets from Client A’s September and October 2015 medication records to hide her diversion.
3. Ms. McGhee stated that she used the medication to increase her focus. The client did not miss any medication doses and no patient harm occurred.
4. Ms. McGhee’s employment with Rainbow Station was terminated.

CONSENT

Mary Wayne McGhee, R.N., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive all right to an informal conference;
5. I neither admit nor deny the Findings of Fact and Conclusions of Law contained herein but waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my right to practice professional nursing in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Ms. McGhee is REPRIMANDED.
2. Ms. McGhee is placed on PROBATION 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. McGhee has completed one year of active professional nursing practice.

b. The license shall be reinstated without restriction at the completion of the probationary period, 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. Within 60 days from the date of entry of this Order, Ms. McGhee shall provide written proof satisfactory to the Board of successful completion of the following NCSBN online courses: *Disciplinary Actions: What Every Nurse Should Know; Ethics of Nursing Practice; and Understanding Substance Abuse Disorder.*

d. Ms. McGhee shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner / patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

e. Ms. McGhee shall have one supervised, observed, random drug screen(s) per month from a Board approved testing entity, which include(s) testing for alcohol and the following drugs of choice: amphetamines. Ms. McGhee shall ensure that the first set of results is received by the Board no later than 60 days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. The Board shall be notified immediately in writing of any positive results or if Ms. McGhee refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

f. Ms. McGhee 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. McGhee 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 months of March, June, September and December until Ms. McGhee is notified, in writing, that the reporting requirement is ended. Ms. McGhee shall notify the Board within 10 days, in writing, of: any change in address, telephone number, or e-mail address of the Ms. McGhee; 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); criminal charges or convictions.

g. Ms. McGhee shall provide her current employer and supervisor at each practice location or assignment within 45 days of the entry of the Order, and each future employer and supervisor at each practice location or assignment immediately upon employment with a copy of this Order in its entirety.

h. Ms. McGhee shall ensure that the supervisor or practice monitor shall provide quarterly reports to the Board regarding Ms. McGhee's clinical judgment, clinical performance, recordkeeping, documentation, medication administration, and overall performance. 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 this Order is entered, and subsequent reports due the last day of the months of March, June, September and December until Ms. McGhee is notified, in writing, that the reporting requirement is ended.

i. Ms. McGhee 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 Ms. McGhee a license marked "Valid in Virginia Only: Probation with Terms."

j. Ms. McGhee 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 or monitor, her employer(s) and potential and intended employer(s), and her current and future treating healthcare provider(s).

k. Ms. McGhee shall bear any costs associated with the terms and conditions of this Order.

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

m. 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.

n. 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. McGhee, and an administrative proceeding shall be held to determine whether to impose such action.

o. This Order shall remain in effect until the Board has notified Ms. McGhee in writing that she is released from Probation and all terms and conditions.

p. 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. McGhee's compliance with the foregoing conditions.

Pursuant to Virginia Code §§ 2.2-4023 and 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 § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. McGhee's health records or health services.

FOR THE BOARD

for Belaria Mitchell-Lively
Jay Douglas, M.S.M., R.N., C.S.A.C., P.R.E.
Executive Director
Virginia Board of Nursing

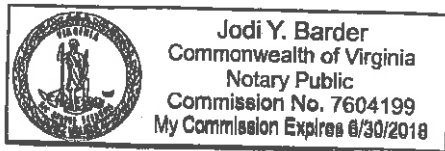
ENTERED: August 17th, 2016

SEEN AND AGREED TO:

Mary Wayne McGhee
Mary Wayne McGhee, R.N.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Henrico, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this
9th day of August, 2016.



Jodi Y. Barder
Notary Public

Certified True Copy, my commission expires: 6/30/2018

By: *M. Barder*
Virginia Board of Nursing

Registration No.:

7604199

Certified True Copy

By: M. Baylor
Virginia Board of Nursing