

## BEFORE THE VIRGINIA BOARD OF NURSING

**IN RE: Heather Lynn Hodges, R.N.**  
**License Number: 0001-120189**  
**Case Number: 170979**

### RATIFICATION AND ORDER

On July 20, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Heather Lynn Hodges, 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(K), the Board considered whether to disclose or not disclose Ms. Hodges' health records or health services.

Since Ms. Hodges failed to appear at the informal conference, this Order shall be considered final. Ms. Hodges 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. Hodges 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 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



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

ENTERED AND MAILED ON:

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August 3<sup>RD</sup>, 2016

**Certified True Copy**

By   
**Virginia Board of Nursing**

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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 May 26, 2016 in Henrico County, Virginia, to inquire into evidence that Heather Lynn Hodges, R.N. may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Hodges 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 May 3, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Hodges notifying her that an informal conference would be held on May 26, 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 by certified was returned to the Board on May 24, 2016, marked “Unclaimed.” As of May 26, 2016, 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.Hodges and the informal conference proceeded in her absence.

### **Recommended Findings of Fact and Conclusions of Law**

1. Heather Lynn Hodges, R.N. was issued License Number 0001-120189 to practice professional nursing on August 29, 1990, 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. Hodges violated Virginia Code § 54.1-3007(6) in that she is unable to safely practice professional nursing due to her admitted alcohol abuse and mental illness, as evidenced by the following:

a. On November 14, 2015, Ms. Hodges was arrested and charged with driving under the influence, first offense, in the Henrico County, Virginia, General District Court, following a single vehicle accident.

b. On December 3, 2015, Ms. Hodges was seen at VCU Health System, Richmond, Virginia, for a psychiatric evaluation. Ms. Hodges refused an alcohol and drug screen. The evaluator stated in his report that Ms. Hodges' presentation suggested acute alcohol intoxication.

c. On December 27, 2015, Ms. Hodges was admitted to Chippenham-Johnston Willis Hospital, Tucker Pavilion, Richmond, Virginia, by temporary detention order. Ms. Hodges was diagnosed with mood disorder, NOS, and alcohol dependence.

d. By her own admission, Ms. Hodges suffers with depression.

3. Ms. Hodges stated to the investigator with the Department of Health Professions that she was diagnosed with depression in 2001. She was prescribed antidepressants, but stopped taking them after a week because she did not like the way they made her feel.

4. Ms. Hodges violated Virginia Code § 54.1-3007(5) and (6) in that on November 23, 2015, and November 30, 2015, during the course of her employment with McGuire VA Medical Center, Richmond, Virginia, Ms. Hodges reported to work smelling of alcohol. In addition, in August 2015, a patient's family member reported that Ms. Hodges was disrespectful and smelled of alcohol. Further, on March 4, 2015, Ms. Hodges was discovered sleeping while on duty.

5. On February 10, 2016, the McGuire VA Medical Center reported that Ms. Hodges was removed from patient care at the VA Medical Center on January 13, 2016 and placed in an administrative role while the facility completed a fact finding investigation into patient complaints related to her practice.

6. Ms. Hodges denied to the investigator that she has an alcohol problem or that she needed treatment.

7. Ms. Hodges stated to the investigator that between 2001 and 2016, she was admitted to St. Mary's Hospital for treatment of depression and stated, "I can't recall the dates and I didn't follow up with anyone" after her discharge.

8. On March 11, 2016, Ms. Hodges was arrested for driving while intoxicated first offense with a blood alcohol content greater than 0.20, child abuse, disregard for life and assault on a law enforcement officer. Ms. Hodges' preliminary court appearance was scheduled for June 8, 2016.

#### **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 Heather Lynn Hodges to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Heather Lynn Hodges will be recorded as SUSPENDED.

3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Heather Lynn Hodges seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Heather Lynn Hodges to demonstrate that she is safe and competent to return to the practice of professional nursing. Heather Lynn Hodges 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 June 28, 2016  
By Allison Gregory, M.S., R.N., F.N.P.-B.C.  
Agency Subordinate

**Certified True Copy**

By   
**Virginia Board of Nursing**