

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CAROLE D. PEARSON, L.P.N.
License Number: 0002-067894
Case Number: 162918

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on July 18, 2016, in Henrico County, Virginia, to inquire into evidence that Carole D. Pearson, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Carole D. Pearson, L.P.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated July 1, 2016, the Board of Nursing sent a Notice of Formal Hearing (“Notice”) to Ms. Pearson notifying her that a formal administrative hearing would be held on July 18, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On January 14, 2004, the Board of Nursing issued License Number 0002-067894 to Carole D. Pearson, L.P.N., to practice practical nursing in the Commonwealth of Virginia. Said license is scheduled to expire on May 31, 2017. At all times relevant hereto, said license was in full force and effect. Her primary state of residence is Virginia.

2. During the course of her employment with Autumn Care of Portsmouth, Portsmouth, Virginia, between November 2014 and April 2015:

a. On approximately 36 occasions, Ms. Pearson signed out narcotic medications for Residents A, B, C, D, and E but failed to document their administration, wastage, return, or effectiveness.

b. On April 9, 2015, Ms. Pearson documented removing and giving Resident A her scheduled Percocet at 0800 and 1300 and her PRN Percocet at 0830 and 1300. Ms. Pearson failed to document the rationale for administering these medications so close together in time. Further, Resident A denied receiving any of these doses. In fact, Resident A reported that Ms. Pearson withheld Resident A's narcotics during her shift.

c. On approximately ten occasions in March and April 2015, Ms. Pearson forged the signature of another nurse on the removal and administration of narcotics for Residents A, B, and D. This nurse worked the night shift and on several occasions was not on duty when she purportedly removed and administered these medications.

3. The nurse whose signature Ms. Pearson forged testified at the hearing and showed the Board examples of where her signature was forged on the narcotic logs. Each time these signatures occurred it was surrounded by Ms. Pearson's signature.

4. Ms. Pearson testified that when she began the job at Autumn Care, she passed a drug screen by abstaining from her prescription narcotics for prolonged periods of time. She testified that she has been on these narcotics for eight years. She submitted a drug screen for the Department of Health Professions investigator, which was positive for oxycodone and oxymorphone.

5. Regarding the PRN medications administered for Resident A, Ms. Pearson did not document the effectiveness of the medication.

CONCLUSIONS OF LAW

Findings of Fact Nos. 2(a-c) constitute violations of Virginia Code § 54.1-3007(2), (5), (6) and (8) and 18 VAC 90-20-300(A)(2)(c), (e), and (f) of the Regulations Governing the Practice of Nursing.

ORDER

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

1. Carole D. Pearson is REPRIMANDED.
2. The license of Carole D. Pearson to practice practical nursing is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended.
4. This suspension applies to any multistate privilege to practice practical nursing.
5. Should Carole D. Pearson seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Carole D. Pearson to demonstrate that she is safe and competent to return to the practice of practical nursing. Carole D. Pearson 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.
6. The suspension shall be STAYED upon proof of Carole D. Pearson's entry into a Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP").
7. Upon stay of the suspension, Carole D. Pearson shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
8. This Order is applicable to Carole D. Pearson's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Carole D. Pearson 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.

9. Carole D. Pearson shall comply with all laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.


10. Carole D. Pearson shall bear any costs associated with the terms and conditions of this Order.

11. 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 Carole D. Pearson, and the license shall be recorded as suspended. After any rescission of the stay of suspension, a formal administrative proceeding shall be instituted.

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

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.

FOR THE BOARD



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

ENTERED AND MAILED ON:

August 3rd, 2016

Certified True Copy
By 
Virginia Board Of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.