

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: AMBER REXRODE, R.N.
 a/k/a AMBER HENDRICKS
 License No.: 0001-198247**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on September 19, 2012, in Henrico County, Virginia. Amber Rexrode, R.N., was present and was not represented by legal counsel. Janet Younger, R.N., Ph.D., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 14, 2012, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Rexrode was present and was not represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Amber Rexrode, R.N., was issued License No. 0001-198247 to practice professional nursing in Virginia on September 15, 2005. The license is scheduled to expire on March 31, 2014. Her primary state of residence is Virginia.
2. By letter dated July 26, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Rexrode notifying her that an informal conference would be held on September 19, 2012. The Notice was sent by certified and first class mail to 264 Sherwood Drive, Waynesboro, Virginia 22980, the address of record on file with the Board of Nursing.
3. Ms. Rexrode has an admitted longstanding addiction to narcotic pain medications, which

she obtained from multiple physicians, from a family member, and from others. She began a methadone maintenance program with Addiction Recovery Systems, Charlottesville, Virginia (“ARS”), in July 2011. She continued to take other substances and alcohol while undergoing methadone treatment.

4. On January 4, 2012, during the course of her employment with UVA Health System, Charlottesville, Virginia, Ms. Rexrode tested positive for fentanyl (Schedule II), for which she did not have a prescription. Ms. Rexrode’s employment was terminated as a result of this positive test.

5. Ms. Rexrode stated at the informal conference that she has been sober for nine months. She attends Narcotics Anonymous, group therapy with ARS, and individual substance abuse therapy once a week. A letter to the Board from ARS dated September 13, 2012, indicated that Ms. Rexrode is subject to random monthly urine drug screens and has submitted nine consecutive negative urine screens since testing positive in December 2011. ARS also stated that Ms. Rexrode is compliant with meeting requirements. As a result of her compliance with meeting requirements and the negative urine screens, she has been granted methadone take-home privileges.

6. Ms. Rexrode stated that she is not currently employed and that her recovery is the most important thing for her at this time. She stated that she was not willing to come off methadone in order to be eligible for entry into the Health Practitioners’ Monitoring Program, but that she was willing to be monitored by the Board.

CONCLUSIONS OF LAW

1. Finding of Fact #3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact #4 constitutes a violation of § 54.1-3007(5) and (6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED that Amber Rexrode, R.N., shall be placed on INDEFINITE PROBATION for not less than two years of actual nursing practice subject to the following

terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall continue Indefinitely. After two years of active employment as a professional nurse, Ms. Rexrode may request that the Board end this probation.
2. Ms. Rexrode shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Rexrode shall provide the name and address of each employer to the Board.
3. Ms. Rexrode shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Rexrode is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
4. Performance Evaluations shall be provided, at the direction of Ms. Rexrode, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.
5. Ms. Rexrode shall practice nursing only in a structured /supervised employment setting satisfactory to the Board for the first two years after being placed on probation. This employment setting shall provide on-site supervision by a physician or professional nurse, who works the same shift, and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Rexrode shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.
6. For the first six months of employment as a professional nurse after being placed on

probation, Ms. Rexrode shall not administer any Schedule II - V controlled substances, the Schedule VI controlled substance Nubain, or any other controlled substances designated by the Board.

7. Ms. Rexrode 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 10 days of the date the medication is prescribed.

8. Ms. Rexrode shall be required to have two supervised, unannounced random drug screens a month, from either ARS or a Board-approved testing entity, which include testing for alcohol, oxycodone, and methadone. Further, Ms. Rexrode shall have one supervised, unannounced random drug screen a quarter, from either ARS or a Board-approved testing entity, for fentanyl. Ms. Rexrode shall ensure that the first set of results are 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. Rexrode 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.

9. Ms. Rexrode shall attend Alcoholics Anonymous /Narcotics Anonymous recovery support groups or other groups acceptable to the Board one time per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board quarterly.

10. Ms. Rexrode shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and

any consultants designated by the Board.

11. Ms. Rexrode shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

12. Ms. Rexrode shall return all copies of her license to practice as a professional nurse to the Board office within ten days of the date of entry of this Order along with a payment of a fee of \$15.00. Upon receipt, the Board shall issue a new license marked “Valid in Virginia Only; Probation with Terms.”

13. Ms. Rexrode shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

14. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Rexrode, and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

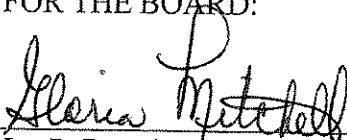
15. This Order is applicable to Ms. Rexrode’s multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Rexrode shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

Pursuant to § 54.1-2400.2 of the Code, 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 Section 54.1-2400(10) of the Code, Ms. Rexrode may, not later than 5:00 p.m., on **January 21, 2013**, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., 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:


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

ENTERED: December 18, 2012

This Order shall become final on January 21, 2013, unless a request for a formal administrative hearing is received as described above.