

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: PRICILIA CANDACE FOX, L.P.N.
a.k.a. Pricilla C. Fox, L.P.N.
License Number: 0002-075841
Case Number: 169387/171047

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. PRICILIA CANDACE FOX, L.P.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.

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

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

ENTERED AND MAILED ON:

July 28, 2016

Certified True Copy

By *Stacy E. K.*
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), Jodi P. Power, R.N., J.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on April 26, 2016 in Henrico County, Virginia, to inquire into evidence that PRICILIA CANDACE FOX, L.P.N. may have violated certain terms and conditions of an Order of the Board entered September 22, 2015 and certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Ms. Fox 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 March 25, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Fox notifying her that an informal conference would be held on April 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 certified mail receipt was signed and returned to the Board office. 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. Fox and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. PRICILIA CANDACE FOX, L.P.N. was issued License Number 0002-075841 to practice practical nursing on May 30, 2007, which is scheduled to expire on September 30, 2016. At all times relevant to the allegations herein, said license was in full force and effect. Her primary state of residence is Virginia.
2. By Order of the Board entered on September 22, 2015 ("Board's Order"), Ms. Fox was ordered to have a physical evaluation by a Board-approved orthopedist or neurosurgeon and a mental health/chemical dependency evaluation by a mental health specialist satisfactory to the Board, within 90 days of the date of entry of the Order. Said action was based on findings that Ms. Fox diverted controlled substances and reported having physical problems, including numbness and tingling hands and loss of sensation from a neck injury.
3. PRICILIA CANDACE FOX, L.P.N. violated Term Number 1 of the Board's Order in that she failed to submit reports of the ordered evaluations.
4. Ms. Fox 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 Augusta Nursing and Rehabilitation Center, Fishersville, Virginia, in July and August 2015, by her own admission to the Virginia State Police and the Department of Health Professions ("DHP") investigator, Ms. Fox diverted narcotic medications from resident supplies for her personal and unauthorized use and falsely documented administering the medications to the residents. Her eight-month employment was terminated on August 28, 2015, by involuntary resignation.
5. On April 25, 2016, in the Circuit Court of Augusta County, Virginia, Ms. Fox pled guilty to three felony counts of obtaining drugs by fraud, first offender. The case was taken under

advisement for one year. Said charges resulted from Ms. Fox diverting medications from Augusta Nursing and Rehabilitation Center.

6. A prescription monitoring report for the period September 2014 to September 2015, revealed that Ms. Fox received approximately 22 narcotic prescriptions, along with 13 prescriptions for benzodiazepines. A subsequent prescription monitoring report through December 2015 revealed she continued to receive 21 prescriptions for narcotics and benzodiazepines from three different prescribers.

7. By email dated October 5, 2015, to the DHP investigator, Ms. Fox stated that she wished to "voluntarily suspend" her practical nursing license and that she could "no longer handle the profession physically or emotionally". Ms. Fox surrendered her license, which was received by the Board of Nursing on October 7, 2015.

Recommended Order

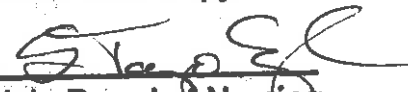
Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. PRICILIA CANDACE FOX is REPRIMANDED.
2. The Board ACCEPTS the SURRENDER for INDEFINITE SUSPENSION of the license issued to PRICILIA CANDACE FOX to practice practical nursing in the Commonwealth of Virginia for a period of not less than two years from the date of entry of this Order.
3. The license of PRICILIA CANDACE FOX will be recorded as SUSPENDED.
4. This suspension applies to any multistate privilege to practice practical nursing.
5. Should PRICILIA CANDACE FOX seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on PRICILIA CANDACE FOX to demonstrate that she is safe and competent to return to the practice of

practical nursing. Ms. Fox shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

Reviewed and approved on May 18, 2016
By Jodi P. Power, R.N., J.D.
Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing