

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: NEEKA DENEEN BARROW, R.N.
License Number: 0001-223470
Case Number: 173949

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing (“Board”) and Neeka Deneen Barrow, R.N., as evidenced by their signatures hereto, in lieu of proceeding to a formal administrative proceeding, enter into the following Consent Order affecting Ms. Barrow’s license to practice professional nursing in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Neeka Deneen Barrow, R.N. was issued License Number 0001-223470 to practice professional nursing on March 1, 2010, which is scheduled to expire on February 28, 2018. Her primary state of residence is Virginia. The license was suspended pursuant to Virginia Code § 54.1-2409 by Order of the Virginia Department of Health Professions on July 19, 2016.

2. By Order entered March 1, 2010, the Virginia Department of Health Professions suspended Ms. Barrow’s license to practice professional nursing pursuant to Virginia Code § 54.1-2409 based on her surrender, in lieu of further disciplinary action, of her license to practice professional nursing in the State of North Carolina. By Order entered August 5, 2013, the Board denied Ms. Barrow’s application for reinstatement of her license, continued the license on indefinite suspension, and stayed the suspension contingent on her compliance with the Health Practitioners’ Monitoring Program (“HPMP”). By Order entered September 16, 2014, the Department of Health Professions again suspended Ms. Barrow’s license pursuant to Virginia Code § 54.1-2409 based on the

suspension of her licenses in other states, all of which were based on the original action of the North Carolina Board of Nursing and subsequent action of the Virginia Board.. By Consent Order entered September 16, 2014, the Board continued Ms. Barrow's license on indefinite suspension, with the suspension stayed contingent on her compliance with her Recovery Monitoring Contract with the HPMP.

3. On May 16, 2016, the South Carolina Board of Nursing suspended Ms. Barrow's license to practice professional nursing based on the actions of the North Carolina Board of Nursing and the suspension of her licenses in other States, including Virginia. Pursuant to Virginia Code § 54.1-2409, by Order of the Virginia Department of Health Professions on July 19, 2016, Ms. Barrow's license was suspended based on the revocation of her license to practice professional nursing in the State of South Carolina.

4. Ms. Barrow is currently in compliance with her Recovery Monitoring Contract with the HPMP.

5. The matter of the reinstatement of Ms. Barrow's license to practice professional nursing in the Commonwealth of Virginia is properly before the Board.

CONSENT

Neeka Deneen Barrow, 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 a formal administrative hearing before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;

4. I waive all right to a formal hearing;

5. I admit to the Findings of Fact and Conclusion of Law contained herein and 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. The license of Neeka Deneen Barrow to practice professional nursing in Virginia is continued on indefinite suspension.

2. The license will be recorded as suspended.

3. The suspension is STAYED and shall remain stayed contingent upon Neeka Deneen Barrow's continued compliance with all terms and conditions of the Virginia Health Practitioners' Monitoring Program ("HPMP") for the period specified by the HPMP.

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

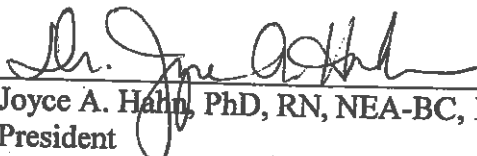
5. This Order is applicable to Neeka Deneen Barrow's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Neeka Deneen Barrow shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission 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.

6. Neeka Deneen Barrow shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

7. 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 Neeka Deneen Barrow, and the license shall be recorded as suspended. After any rescission of the stay of suspension, a formal administrative proceeding shall be instituted.

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.

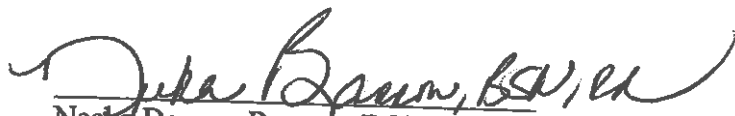
FOR THE BOARD



Joyce A. Hann, PhD, RN, NEA-BC, FNAP
President
Virginia Board of Nursing

ENTERED: 7/10/16 7/19/16 JH

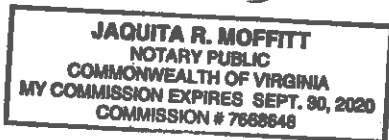
SEEN AND AGREED TO:



Neeka Deneen Barrow, R.N.

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

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this
7th day of July, 2016.





Notary Public

My commission expires:

9/30/2020

Registration No.:

7668648

Certified True Copy

By d. Graham
Virginia Board Of Nursing

BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS

IN RE: NEEKA DENEEN BARROW, R.N.
License Number: 0001-223470
Case Number: 173949

ORDER OF MANDATORY SUSPENSION

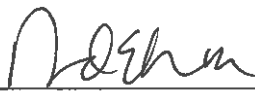
In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that Neeka Deneen Barrow, R.N., had her license to practice professional nursing revoked in the State of South Carolina. A certified copy of the Final Order of the South Carolina Board of Nursing entered May 16, 2016 is attached to this Order and is marked as Commonwealth's Exhibit #1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Ms. Barrow to practice professional nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Ms. Barrow will be recorded as suspended and no longer current and valid. Should Ms. Barrow seek reinstatement of her license pursuant to Virginia Code § 54.1-2409, she shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.


This Order shall be applicable to Ms. Barrow's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2(G), 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 or copying on request.



David E. Brown, D.C., Director
Virginia Department of Health Professions

ENTERED AND MAILED ON:
7/19/16

Certified True Copy
By 

Virginia Board Of Nursing



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

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CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Final Order of the South Carolina Board of Nursing, entered May 16, 2016, regarding Neeka Deneen Barrow, R.N., is a true copy of the record received from the South Carolina Board of Nursing.



David E. Brown, D.C.

Date: 7/19/16

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE STATE BOARD OF NURSING FOR SOUTH CAROLINA**

IN THE MATTER OF:

NEEKA DENEEN BARROW, RN
License No. RN. 212474

OIE# 2013-403

FINAL ORDER

Respondent.

This matter came before the State Board of Nursing for South Carolina ("Board") on March 24, 2016, to consider the recommendation and report dated December 8, 2015 ("Panel Recommendation") of the hearing panel ("Panel") appointed to conduct a hearing regarding the initial complaint against the above named respondent ("Respondent"). A quorum of the Board was present. The Panel hearing was held December 8, 2015, pursuant to S.C. Code Ann. §§40-1-90, 40-33-10 (2011), and the provisions of the Administrative Procedures Act, S.C. Code Ann. §1-23-10 *et seq.* (2005, as amended). Princess Hodges, Esquire, Assistant Disciplinary Counsel, represented the State. Respondent appeared before the Panel in a *pro se* capacity after waiving the right to counsel but did not appear before the Board after being properly noticed. The Formal Complaint alleged that Respondent violated S.C. Code Ann. §§40-33-110(A) (3), (4), (10), (13) and (14) (2011) and §40-1-110 (1) (f) (1976, as amended). The Panel concluded that the State proved all of the factual allegations of the Formal Complaint, that Respondent violated all of the aforementioned statutory provisions and recommended the sanctions set forth below. The Board adopted the Panel Recommendation.

FINDINGS OF FACT

The Board adopts the following findings of fact of the Panel:

1. Respondent is licensed to practice as a Registered Nurse in South Carolina, was so licensed at all times relevant to the matters asserted in this case, and is subject to the jurisdiction of the Board.
2. On or about December 31, 2012, Respondent surrendered her North Carolina nursing license in lieu of further disciplinary action based upon the diversion of controlled substances.
3. On or about December 10, 11, 12 and 13, 2012 and January 6, 2013, while employed at Sentara Norfolk General Hospital in Norfolk, VA. Respondent withdrew Hydromorphone and/or Oxycodone for patients and failed to document administration or waste. On or about January 11, 2013, Respondent's employer asked her to submit to a drug screen which came back positive for benzodiazepines and opiates. Respondent's employment was terminated and her license to practice nursing in the State of Virginia was suspended on or about January 14, 2013.
4. On or about May 2, 2013. Respondent's State of Nevada nursing license was revoked.

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TRUE COPY
Rosemary Chan 4/23/16
SC Dept. of L&R Board of Nursing



5. On or about May 2, 2013, Respondent enrolled with the Health Practitioners' Monitoring Program ("HPMP") in Virginia.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this matter, the Board unanimously finds and concludes as a matter of law that:

1. Respondent violated S.C. Code Ann. §40-33-110(A)(3), which authorizes the Board to sanction a nurse who wilfully or repeatedly followed a course of conduct that, by reasonable professional or ethical standards, renders the licensee incompetent to assume, perform, or be entrusted with the duties, responsibilities, or trusts which normally devolve upon a licensed nurse. Specifically, Respondent withdrew Hydromorphone and/or Oxycodone for patients and failed to document administration or waste.

2. Respondent violated S.C. Code Ann. §40-33-110(A)(4), which authorizes the Board to sanction a nurse who had a license to practice nursing in another state suspended or revoked or had other disciplinary action taken by another state; in which case, the action by another state creates a rebuttable presumption that a South Carolina nursing license may be acted upon similarly. Specifically, Respondent surrendered her North Carolina nursing license in lieu of further disciplinary action based upon the diversion of controlled substances, her North Carolina license was suspended and her Nevada license was revoked.

3. Respondent violated S.C. Code Ann. §40-33-110(A)(10), which authorizes the Board to sanction a nurse who misappropriated money, property, or drugs from an employer or patient. Specifically, Respondent withdrew Hydromorphone and/or Oxycodone for patients and failed to document administration or waste.

4. Respondent violated S.C. Code Ann. §40-33-110(A)(13), which authorizes the Board to sanction a nurse who obtained, possessed, administered, or furnished prescription drugs to a person including, but not limited to, one's self, except as directed by a person authorized by law to prescribe drugs. Specifically, Respondent withdrew Hydromorphone and/or Oxycodone for patients and failed to document administration or waste.

5. Respondent violated S.C. Code Ann. §40-33-110(A)(14), which authorizes the Board to sanction a nurse who engaged in the practice of nursing when judgment or physical ability is impaired by alcohol, drugs, or controlled substances or has declined or been unsuccessful in accomplishing rehabilitation. Specifically, Respondent withdrew Hydromorphone and/or Oxycodone for patients and failed to document administration or waste.

6. Respondent violated S.C. Code Ann. §40-31-110(1)(f), which authorizes the Board to sanction a nurse who has committed a dishonorable, unethical, or unprofessional act that is likely to deceive, defraud, or harm the public. Specifically, Respondent withdrew Hydromorphone and/or Oxycodone for patients and failed to document administration or waste.

7. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §§40-1-110 and/or 40-33-110 (2011), has the authority to order the cancellation, revocation or suspension of a license to practice as a registered

nurse or a licensed practical nurse or to publicly or privately reprimand the registered nurse or licensed practical nurse or take other reasonable action short of revocation or suspension, such as requiring the licensee to undertake additional professional training subject to the direction and supervision of the Board. The Board may also impose other restrictions upon the nursing practice of the licensee as circumstances warrant until the licensee demonstrates to the Board adequate professional competence. In addition to any other sanction imposed by the Board upon the licensee, the Board may require the licensee to pay a civil penalty up to Two Thousand Dollars (\$2,000.00) to the Board for each violation of the provisions of the Nurse Practice Act, S.C. Code Ann. §40-33-5 *et seq.* (2011), or of the regulations promulgated by the Board, for a total penalty or fine not to exceed Ten Thousand and No/100 Dollars (\$10,000.00). The Board may also require individuals found to have violated the Nurse Practice Act or regulations promulgated by the Board to pay costs associated with the investigation and prosecution of the case.

8. The sanctions imposed are designed not to punish Respondent, but to protect the life, health, and welfare of the public at large.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Respondent's license to practice nursing in this State is **PERMANENTLY REVOKED.**

2. The effective date of this Order is the date of delivery to Respondent.

AND IT IS SO ORDERED.

STATE BOARD OF NURSING FOR SOUTH CAROLINA

BY: Carol Moody, RN, MS, NEA-BC
CAROL A. MOODY, RN, MS, NEA-BC
President of the Board

May 16, 2016.