

3. On September 23, 2003, in the General District Court of Montgomery County, Virginia, Ms. McGrady was convicted of shoplifting, a misdemeanor. She was sentenced to 30 days in jail, suspended, fined \$500.00, with \$400.00 suspended, ordered to pay court costs and barred from entering any Walmart store.
4. On December 15, 2005, in the Circuit Court of Pulaski County, Virginia, Ms. McGrady was convicted of shoplifting at Walmart, a misdemeanor. She was sentenced to four months in jail, with three months and twenty days suspended. Ms. McGrady was fined \$1000.00 with \$750.00 suspended, ordered to make restitution of \$15.54, and pay court costs and was barred from all Walmart stores.
5. On July 30, 2008, in the Circuit Court of Montgomery County, Virginia, Ms. McGrady was convicted of four counts of uttering, a felony. Ms. McGrady was sentenced to four years incarceration with three years suspended, and upon release from incarceration, placed on supervised probation for three years. She was also ordered to pay court costs.
6. On November 18, 2008, in the Circuit Court of Pulaski County, Virginia, Ms. McGrady was convicted of assault and battery of a law enforcement officer, a felony. She was sentenced to five years incarceration with three years and ten months suspended, and upon release from incarceration, placed on supervised probation for three years. She was also ordered to pay court costs totaling \$385.00.
7. On February 4, 2009, in the General District Court of Pulaski County, Virginia, Ms. McGrady was convicted of three counts of writing bad checks. She was fined \$100 for each count, all suspended, and ordered to make restitution within six months of her release from prison.
8. On October 26, 2005, in the Circuit Court of Montgomery County, Virginia, Ms. McGrady was convicted of four counts of obtaining drugs by fraud, a felony. She was sentenced to three years for each charge, with two years and eleven months suspended, and upon release from incarceration, placed on supervised probation for three years. She was also ordered to pay court costs totaling \$3,782.00.

9. On January 5, 2006, in the Circuit Court of the City of Radford, Virginia, Ms. McGrady was convicted of attempting to obtain drugs by fraud, a felony. She was sentenced to five years incarceration, suspended, and upon release from incarceration, placed on supervised probation for five years. She was also ordered to pay court costs totaling \$100.00 and was banned from CVS Pharmacy.

10. On January 9, 2006, in the Circuit Court of Pulaski County, Virginia, Ms. McGrady was convicted of two counts of obtaining drugs by fraud, a felony. She was sentenced to ten years incarceration, suspended, and placed on supervised probation for three years. She was also ordered to pay court costs totaling \$1895.55. On November 18, 2008, the court found that Ms. McGrady violated the terms and conditions of probation and suspended sentence. The entire balance of her suspended sentence was revoked and re-suspended except for six months. She was also ordered to pay court costs totaling \$143.00. Upon release from incarceration, Ms. McGrady was placed on unsupervised probation.

11. From October to December, 2010, and on March 15, 2011, Ms. McGrady used cocaine. On July 20, 2011, Ms. McGrady relapsed with beer.

12. In April, 2011, Ms. McGrady entered the New Life Recovery substance abuse treatment program. She completed a 30-day residential treatment program on May 13, 2011. In a letter dated December 5, 2011, the facilitator reported that Ms. McGrady completed the aftercare group and transitioned to the relapse prevention group on November 15, 2011. Ms. McGrady attends one group meeting a week and four to five Alcoholics Anonymous (“AA”) or Narcotics Anonymous (“NA”) meetings per week. She reported a sobriety date of July 20, 2011.

12. On July 11, 2011, Ms. McGrady entered a Recovery Monitoring Contract with the Health Practitioners’ Monitoring Program. In a report dated December 9, 2011, the case manager reported that Ms. McGrady is currently in compliance. Ms. McGrady was placed on warning status on July 27, 2011, after self-reporting a relapse on alcohol.

13. Ms. McGrady has a probation violation pending before the Pulaski Circuit Court for the felony conviction of assault and battery against a police officer. Her scheduled court date is January 18, 2012.

14. Ms. McGrady provided letters of support from her substance abuse treatment provider, her employer and her AA sponsor.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3-7 constitute a violation of § 54.1-3007(4) of the Code.
2. Findings of Fact Nos. 8-10 constitute a violation of § 54.1-3007(4) and (6) of the Code.
3. Finding of Fact No. 11 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The license of Jessica A. McGrady is hereby REINSTATED contingent upon her continued compliance with all terms and conditions of the HPMP for the period specified by the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Jessica A. McGrady and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. McGrady shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. McGrady is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. McGrady involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. McGrady has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. McGrady's participation in and compliance with the HPMP,

the Board, at its discretion, may waive Ms. McGrady's appearance before the Board and conduct an administrative review of this matter.

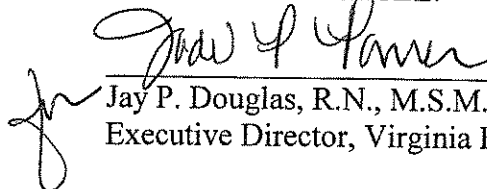
3. This order shall be applicable to Ms. McGrady's multistate licensure privilege, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. McGrady shall not work outside the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

4. Ms. McGrady shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. McGrady may, not later than 5:00 p.m., on **January 24, 2012**, notify Jay P. Douglas, 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 COMMITTEE:


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

ENTERED: December 22, 2011

This Order shall become final on **January 24, 2012**, unless a request for a formal administrative hearing is received as described above.