

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**CRYSTAL DEANE BELL, L.P.N.
LICENSE NO.: 0002-068111**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on December 2, 2011, in Henrico County, Virginia. Crystal Deane Bell, L.P.N., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 25, 2012, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Bell was not present nor was she 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. Crystal Deane Bell, L.P.N., was issued License No. 0002-068111 to practice practical nursing in Virginia on February 25, 2004. The license is scheduled to expire on September 30, 2012. Her primary state of residence is Virginia.

2. By letter dated October 17, 2011, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Bell notifying her that an informal conference would be held on December 2, 2011. The Notice was sent by certified and first class mail to 283 Rosebrook Road, Stanardsville, Virginia 22973, the address of record on file with the Board of Nursing.

3. During the course of her employment with Charlottesville Wellness Center Family Practice, Charlottesville, Virginia, between December 2010 and March 2011, by her own admission, Ms. Bell authorized prescriptions for Vicodin (hydrocodone and acetaminophen, Schedule III) for herself using the name of a physician in the practice without the physician's knowledge or consent.

4. Ms. Bell stated at the informal conference that she took Vicodin for migraine headaches and that she started authorizing her own prescriptions because she lost her health insurance and could not afford to see her doctor. She stated that she last took a Vicodin on March 15, 2011.

5. On May 16, 2011, Ms. Bell signed a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") in which she acknowledged that she may be unable to safely practice nursing due to mental illness. She has been evaluated by a licensed clinical social worker and a certified substance abuse counselor, both of whom state that she does not have a substance use disorder. Rather, she has been diagnosed with major depressive disorder.

6. In a letter dated November 29, 2011, Ms. Bell's HPMP Case Manager indicated that she was in compliance with the HPMP and that all drug screens have been negative. HPMP has determined that she is safe to return to practice.

7. Ms. Bell currently attends weekly counseling sessions and takes Prozac for her depression.

CONCLUSIONS OF LAW

1. Finding of Fact #3 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

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

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION contingent on Crystal Deane Bell's 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 Ms. Bell, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Bell shall be noticed to appear before the Board at such time as the Board is notified that:

a. She 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 her involving a violation of law or regulation or any term or condition of this Order; or

c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Bell's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Bell's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Bell 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.

4. Ms. Bell 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 § 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. Bell may, not later than 5:00 p.m., on April 4, 2012, 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 *Alaina Mitchell*
Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

ENTERED: *March 2, 2012*

This Order shall become final on April 4, 2012, unless a request for a formal administrative hearing is received as described above.