

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JESSICA TOLLEY SNEAD, R.N.
LicenseNumber: 0001-174757
Case Number: 162417

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on May 18, 2016, in Henrico County, Virginia, to inquire into evidence that Jessica Tolley Snead, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Jessica Tolley Snead, R.N. appeared at this proceeding and was represented by Jennifer Cervantes, Esquire.

NOTICE

By letter dated January 12, 2016, the Board of Nursing sent a Notice of Formal Hearing (“Notice”) to Ms. Snead notifying her that a formal administrative hearing would be held on January 25, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. Due to inclement weather, the hearing scheduled for January 25, 2016, was continued until March 21, 2016. On March 18, 2016, the Board office was notified that Ms. Snead had retained counsel, and her attorney requested and was granted a continuance to prepare for the hearing. On May 4, 2016, an amended Notice was sent to Ms. Snead and her attorney advising that the formal hearing was scheduled for May 18, 2016.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On June 15, 2001, the Board of Nursing issued License Number 0001-174757 to Jessica Tolley Snead, R.N. to practice professional nursing in the Commonwealth of Virginia. Said license is scheduled to expire on March 31, 2017. At all times relevant hereto, said license was in full force and effect. Her primary state of residence is Virginia.
2. On March 10, 2015, Ms. Snead was admitted to Virginia Baptist Hospital, Lynchburg, Virginia, where she was diagnosed with depressive disorder, anxiety disorder and alcohol abuse. Ms. Snead admitted to the hospital staff that for the past year she consumed approximately one bottle of wine per night and occasionally used cannabis.
3. Ms. Snead testified that if she had been aware that the hospital was required to report her treatment to the Board, she would not have sought treatment. Ms. Snead completed an inpatient program for substance abuse at Pathways. Ms. Snead testified to the Board that she is not addicted to alcohol.
4. On May 15, 2015, Ms. Snead was charged with public intoxication. On September 16, 2015, she was charged with driving while intoxicated, first offense. By her own admission, her blood alcohol content was 0.18.
5. On July 9, 2015, during the course of her employment with Carilion Clinic, as a home health nurse, Ms. Snead tested positive for marijuana during a fitness for duty evaluation. Carilion Clinic terminated Ms. Snead for violation of the Clinic's drug-free workplace policy.
6. Ms. Snead testified that she was still seeing her treating psychiatrist for medication management, but has not attended therapy since early 2016.
7. During the course of her employment with Bedford County Public Schools:

a. Ms. Snead failed to order a student's ADHD medication following the administration of the last dosage on February 6, 2015.

b. On November 20, 2014, Ms. Snead failed to follow a doctor's care plan for a student with diabetes. She failed to perform urine checks for ketones for glucose readings above 250. The student had a glucose reading of 393 at 1320 and a reading of 370 at 1445.

c. Approximately 11 times between December 18, 2014, and March 9, 2015, Ms. Snead failed to follow a doctor's care plan for another student with diabetes. She failed to perform urine checks for ketones for glucose readings above 300.

d. Ms. Snead failed to notify a parent that their child's insulin was getting low and there was not a back-up bottle available. The child required 22 units per day. The current bottle only had five units.

e. Between January 22, 2015, and March 9, 2015, on multiple occasions Ms. Snead failed to assess students who reported to the school clinic with various ailments that included headaches, nausea and falls. Further, she failed to call the students' parents in a timely manner.

f. On multiple occasions during the 2014-2015 school year, Ms. Snead failed to document the Medication Administration Record with the time medications were administered and her initials.

8. Ms. Snead testified that the information not included in the students' records were kept in a separate area with all "clinic passes." Ms. Snead could not articulate how another practitioner would know to look in the separate area based on the medical record itself.

9. Ms. Snead testified that the majority of these issues were resolved prior to Ms. Snead taking leave under the Family and Medical Leave Act. Ms. Snead testified that Ms. Knox, her

supervisor, later apologized for the record keeping and standard of care allegations which the Board reviewed.

10. Ms. Snead denied many of the allegations before the Board relating to her student patients and claimed she made attempts to address those issues; however, the Board did not find her explanations sufficient.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2, 4 and 5 constitute a violation of Virginia Code § 54.1-3007(6).
2. Findings of Fact Nos. 7(a) through 7(f) constitute a violation of Virginia Code § 54.1-3007(5).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Jessica Tolley Snead is placed on PROBATION for a period of not less than one year of actual nursing practice and subject to the following terms and conditions:
 - a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Snead has completed one year of active practice in employment as a professional nurse (“practice employment”). The license of Ms. Snead shall be reinstated without restriction at the completion of the probationary period without an administrative proceeding unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, Virginia Code § 2.2-4000 et seq. and Virginia Code § 54.1-2400.9 et seq.

- b. Ms. Snead shall have an evaluation by a mental health /chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 90 days from the date this Order is entered. Ms. Snead shall comply with any recommendations of the specialist. If therapy is recommended, written progress reports by the therapist shall be sent to the Board until Ms. Snead discharged from therapy. Ms. Snead shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.
- c. Ms. Snead 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 days of the date the medication is prescribed.
- d. Ms. Snead shall be required to have one supervised, unannounced random drug screen a quarter, from a Board-approved testing entity, which include testing for alcohol. The Board shall be notified immediately in writing if Ms. Snead refuses to give a specimen for analysis as required by this Order, or of any positive results. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.
- e. Performance Evaluations shall be provided to the Board, at the direction of Ms. Snead, by all practice employer(s), using the forms provided by Compliance and available on the Board's website.
- f. Ms. Snead shall practice only in a structured / supervised practice employment setting satisfactory to the Board for the first year of probation. This employment setting shall provide on-site supervision by a physician, licensed nurse practitioner or professional nurse, who works the same shift

in the same building, and holds an unrestricted license. For all current practice employment, and before beginning or changing practice employment during this period, Ms. Snead shall have current and all prospective practice employers provide a written description of the employment setting to the Board office for approval.

g. Ms. Snead shall provide evidence within 60 days of entry of the Order that she has completed the following NCSBN online course: Professional Accountability & Legal Liability for Nurses. Continuing education obtained through compliance with this term shall not be used toward licensure renewal.

h. Ms. Snead 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 payment of a duplicate license fee as specified in the regulations governing nursing. Upon receipt, the Board shall issue a replacement professional nurse license marked “Valid in Virginia Only; Probation with Terms.”

i. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) 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. Many of the required report forms are available on the Board’s website for your convenience.

j. Ms. Snead shall inform the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. shall provide a contact name, address, and phone number for each practice employer to the Board.

k. Ms. Snead shall inform all current and future practice employers that the Board has placed her on probation and Ms. Snead shall provide each practice employer with a complete copy of this

Order. If Ms. Snead is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

1. Ms. Snead 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, Compliance, and any treatment providers, court-appointed probation or parole officers, and any/or consultants designated by the Board, if applicable.

m. Ms. Snead shall submit “Self-Reports” which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self-Reports must be submitted whether Ms. Snead has current practice employment or not.


2. Ms. Snead shall conduct herself as a professional nurse in compliance with the requirements of the laws and regulations governing the practice of nursing.

3. 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. Snead, and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

4. This Order is applicable to Ms. Snead’s multistate nursing licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Snead shall not practice outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the express written permission of both 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.

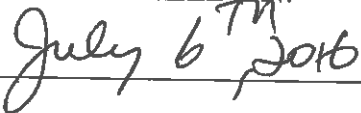
Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



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

ENTERED AND MAILED ON:



NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in 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, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 

Virginia Board Of Nursing