

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

YVONNDA P. SISK, R.N.

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Board of Nursing met on February 14, 2006, in Henrico County, Virginia, to receive and act upon evidence that Yvonnda P. Sisk, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia, and to review her compliance with an Order of the Board entered September 30, 2003. Ms. Sisk was present and was represented by W. Edward Riley, Esquire. Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Yvonnda P. Sisk, R.N., holds License No. 0001-085825, issued by the Virginia Board of Nursing.
2. By Order of the Board entered September 30, 2003, the Board took no action against Ms. Sisk's license contingent upon her compliance with certain terms and conditions, to include her compliance with a Recovery Monitoring Contract with the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code, and 18 VAC 76-10-10, et seq., of the Regulations Governing the HPIP. Ms. Sisk violated the terms of this Order. Specifically, the HPIP Committee met and heard a report, dated April 1, 2005, that Ms. Sisk was not in compliance with the terms of her contract with HPIP. Based on multiple instances of non-compliance, including her continued use of alcohol, as evidenced by her submission of positive ethyl glucuronide screens on November 5, 2004, and February 28, 2005, and her subsequent refusal to enter into a residential treatment

program, the committee voted to dismiss her from the program on April 15, 2005.

3. Ms. Sisk violated § 54.1-3007(2) of the Code, and 18 VAC 90-20-300(A)(2)(e) of the Regulations of the Board of Nursing, in that, by her own admission, during the course of her employment at Virginia Commonwealth University (“VCU”) Health System, Richmond, Virginia, she was allowed to resign in lieu of termination, effective May 27, 2004, after it was discovered that, in November 2002, when making application for employment there, she failed to list Southside Regional Medical Center, Petersburg, Virginia, Chippenham Johnston Willis Hospital (“CJW”), Richmond, Virginia, and St. Mary’s Hospital (“St. Mary’s”), Richmond, Virginia, as previous places of employment.
4. Ms. Sisk violated of § 54.1-3007(6) of the Code, in that, she reported to the Department of Health Professions’ investigator that she began using alcohol in 2001 while employed at St. Mary’s. As a result, on or about October 19, 2001, Ms. Sisk signed a Participation Contract with HPIP. On or about March 1, 2002, she signed a Recovery Monitoring Contract. By her own admission, her impairment continued in spite of her entry into HPIP. Specifically:
 - a. After signing her participation contract, Ms. Sisk received inpatient treatment at Poplar Springs Hospital, Petersburg, Virginia, and additional substance abuse treatment at Willow Oaks, Cartersville, Virginia.
 - b. On or about March 1, 2002, after signing a recovery monitoring contract, Ms. Sisk was allowed to return to work in the capacity as a professional nurse. Subsequently, on or about March 24, 2002, her employment with St. Mary’s was terminated, as she was directed by HPIP that she could not practice until attending an outpatient program due to her relapsing on alcohol.

- c. In approximately September 2002, HPIP approved Ms. Sisk's employment at CJW. On or about October 28, 2002, after being terminated from CJW, she submitted a letter of resignation to HPIP. Her request was considered, and on or about December 13, 2002, her resignation was accepted and she was released from HPIP. Ms. Sisk stated that she requested release from HPIP because she needed to continue employment as a professional nurse and HPIP refused to allow her to be employed.
5. Ms. Sisk violated § 54-1-3007(6) of the Code, in that, during the course of her employment with CJW, on or about October 11, 2002, she reported for duty and was noted to have an odor associated with alcohol. She was asked to submit to a blood alcohol test and refused. Later in the shift, Ms. Sisk admitted to a coworker that she drank "a half glass of wine" with lunch before reporting for duty. Her employment was terminated after it was discovered that she was under contract with HPIP and she failed to follow the recommendation that she not return to work until seeking additional treatment.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that Yvonnda P. Sisk, R.N., who holds License No. 0001-085825 to practice professional nursing in the Commonwealth of Virginia, be and hereby is, placed on PROBATION subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end upon completion of one (1) year of employment as a professional nurse. The license of Yvonnda P. Sisk, R.N., shall be reinstated without restriction at the completion of the probationary period without a hearing 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, § 2.2-4000 et seq. of the Code.

2. Written reports are required by this Order and shall be sent to the Board office with the first report being received no later than sixty (60) days following the date that this Order is final. 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, to include:
 - a. Performance Evaluations shall be provided, as detailed below.
 - b. Participation in recovery support groups shall be provided, as detailed below.
 - c. Results of drug screens shall be provided, as detailed below.
 - d. “Self-Reports” shall be provided, as detailed below.
3. Ms. Sisk shall inform the Board in writing within ten (10) days of the date she begins nursing practice, or changes employment, or any interruption in nursing practice occurs, and Ms. Sisk shall provide the name and address of the employer.
4. Ms. Sisk shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order.
5. Performance Evaluations shall be provided, at the direction of Ms. Sisk, by all nursing employer(s).
6. Ms. Sisk shall not use alcohol or any other mood altering chemical except as prescribed by a physician with whom she has established a genuine physician/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 physician shall be provided to the Board within ten (10) days of the date of the prescription.

7. Ms. Sisk shall be required to have at least one (1) supervised, unannounced drug screen a month, testing for alcohol, and shall have all results sent to the Board as stated in Term No. 2. The Board shall be notified immediately in writing of any positive results or if Ms. Sisk refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, with results to be sent to the Board immediately.
8. Ms. Sisk shall be active in Alcoholics Anonymous or Caduceus recovery support groups, and/or other groups acceptable to the Board, with written reports of attendance by a sponsor or contact person to be sent to the Board as stated in Term No. 2.
9. Ms. Sisk 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 and any consultants designated by the Board.
10. Ms. Sisk shall submit quarterly “Self-Reports” which include a current address, telephone number, and all current employment. This report shall also include any changes in employment status, as required in Term No. 3.
11. Ms. Sisk shall return all copies of her current license to practice as a professional nurse to the Board office within ten (10) days of the date of entry of this Order. Upon receipt of the old license and a \$5.00 fee, the Board shall issue a new license marked “PROBATION WITH TERMS.”

Order – Yvonnda P. Sisk, R.N.

12. Ms. Sisk, as a professional nurse, shall conduct herself in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Board of Nursing Regulations.
13. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Sisk, and an administrative proceeding shall be held to decide whether her license shall be revoked.

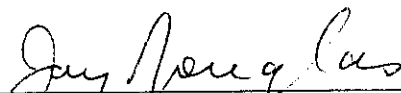
This Order shall be applicable to Ms. Sisk's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Sisk may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where the respondent wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

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.

If Ms. Sisk does not consent to the Committee's decision and desires a hearing before the Board or a panel thereof, she shall notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, in writing at 6603 West Broad Street, Fifth Floor, Richmond, Virginia 23230-1717 within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three day period unless a request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or a panel thereof shall then proceed with a hearing as provided in §§ 2.2-4020 and 2.2-4021 of the Code.

Order – Yvonnda P. Sisk, R.N.


FOR THE BOARD


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

ENTERED: February 24th, 2006

CERTIFICATE OF SERVICE

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Yvonnda P. Sisk, R.N., at 1701 Florence Avenue, Chester, Virginia 23831, and to W. Edward Riley, Esquire, at Boone, Beale, Cosby, & Long, 27 North 17th Street, Richmond, Virginia 23219.


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

February 24th, 2006
Date