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BEFORE THE VIRGINIA BOARD OF NURSING

AUG 17 2016

IN RE: NICOLE LYNN AFICIAL, R.N.

VA BD OF NURSING

License Number: 0001-159009

Case Number: 169286

AMENDED CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and Nicole Lynn Aficial, R.N., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Amended Consent Order affecting Ms. Aficial's license to practice professional nursing in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Nicole Lynn Aficial, R.N. was issued License Number 0001-159009 to practice professional nursing on June 15, 1998, which is scheduled to expire on November 30, 2017.
2. Ms. Aficial violated § 54.1-3007(6) of the Code in that she is unable to safely practice professional nursing due to substance abuse and/or mental illness, as evidenced by the following:
 - a. In 2011, Ms. Aficial received inpatient psychiatric treatment at a hospital in Florida following an attempted overdose of birth control pills and vodka.
 - b. Ms. Aficial abused ecstasy in 2011, had a history of alcohol use disorder in 2009, and abused inhalants/aerosols intermittently from 2012 through 2015.
 - c. From July 11 through July 17, 2014, Ms. Aficial voluntary completed an outpatient partial hospitalization psychiatric treatment program at Virginia Beach Psychiatric Center, Virginia Beach, Virginia for anxiety and depression and following abuse of inhalant aerosol cans. Her discharge

diagnoses included bipolar disorder I, depression, severe, with no psychoses; benzodiazepine dependence; and inhalant abuse, continuous.

d. From August 4 through August 7, 2015, Ms. Aficial voluntarily received inpatient psychiatric treatment at Maryview Medical Center, Portsmouth, Virginia for suicidal ideations and para-suicidal behavior. Her discharge diagnoses included bipolar disorder, unspecified; post-traumatic stress disorder; and inhalant dependence.

e. Since August 10, 2015, Ms. Aficial has received treatment at Dominion Psychiatric Associates, Virginia Beach, Virginia, for inhalant abuse/dependence and for depression and anxiety.

f. On April 21, 2016, Ms. Aficial voluntarily entered the Virginia Health Practitioners Monitoring Program.

CONSENT

Nicole Lynn Aficial, R.N., by affixing her signature to this Amended 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 an informal fact-finding conference before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive all right to an informal conference;
5. I neither admit nor deny the Findings of Fact and Conclusions of Law contained herein but 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 Board shall TAKE NO ACTION at this time, contingent upon Nicole Lynn Aficial's compliance with the following terms and conditions:

a. Nicole Lynn Aficial shall continue to comply with all terms and conditions of her Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP") for the period specified in the Contract.

b. Nicole Lynn Aficial shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

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

3. This Order is applicable to Nicole Lynn Aficial's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Nicole Lynn Aficial 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.

4. Failure to comply with the terms and conditions of this Order shall constitute grounds for an administrative proceeding before 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

Certified True Copy

By [Signature]
Virginia Board of Nursing

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

ENTERED: June 28th, 2016

NUNC PRO TUNC: _____

SEEN AND AGREED TO:

[Signature]
Nicole Lynn Aficial, R.N.

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

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this 12th day of August, 2016.

[Signature]
Notary Public

My commission expires:

February 29, 2020

Registration No.:

7518382

BEATRIZ M PENA
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES FEB. 29, 2020
COMMISSION # 7518382