

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JODI SANDERSON, R.N. REINSTATEMENT APPLICANT
License No.: 0001-164590**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on November 19, 2013, in Henrico County, Virginia, to receive and act upon Jodi Sanderson's application for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended by the Board on May 12, 2012, to inquire into evidence that Ms. Sanderson may have violated certain laws and regulations governing professional nursing practice in Virginia, and to inquire into evidence that Ms. Sanderson may have violated certain terms and conditions imposed on her, as set forth in the Order of the Board entered on April 12, 2007. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Erin L. Barrett, Assistant Attorney General, was present as legal counsel for the Board. Ms. Sanderson was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Jodi Sanderson, R.N., was issued License No. 0001-164590 to practice as a professional nurse in Virginia on August 4, 1999. Said license was mandatorily suspended by the Order of the Board dated May 12, 2012. Prior to their indefinite suspension by the Minnesota Board of Nursing, Ms. Sanderson held License No. 52716 to practice practical nursing in Minnesota and License No. 192198 to practice professional nursing in Minnesota. Ms. Sanderson's primary state of residence is Virginia.

2. On September 20, 2013, Ms. Sanderson submitted an application for the reinstatement of her

license to practice professional nursing in Virginia.

3. On April 11, 2012, the Board of Nursing for the state of Minnesota indefinitely suspended Ms. Sanderson's licenses to practice after she violated the terms of the Health Practitioners' Services Program, which is that state's equivalent of Virginia's Health Practitioners' Monitoring Program.

4. Ms. Sanderson, who by her own admission, has a lengthy history of substance abuse and mental health issues, had been subject to numerous consent orders in Minnesota, all of which had stayed the suspension of her licenses pursuant to her compliance with the Minnesota HPSP. These consent orders dated back to 2007. Other than attendance at Alcoholics Anonymous meetings five times per week, Ms. Sanderson has not received any substance abuse treatment since June 2012. Ms. Sanderson, who has been diagnosed with depression, is not currently being monitored for mental health issues.

5. Ms. Sanderson was also subject to an April 12, 2007, Order of the Virginia Board of Nursing, which placed her on probation that was scheduled to end after Ms. Sanderson had completed two years of active employment as a professional nurse and had complied with other certain terms and conditions.

6. Term No. 4 of the Board's 2007 Order required that performance evaluations to be provided monthly by the last day of the month, at Ms. Sanderson's direction.

7. Ms. Sanderson failed to have any performance evaluations from May 2010 through the end of her employments with the American Indian Community Development Corporation Detox Center, St. Paul, Minnesota, and the Ramsey County Detox Center, St. Paul Minnesota, in December 2011.

8. Term No. 6 of the Board's 2007 Order prohibited Ms. Sanderson from using any 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 and required her to cause a written report from the prescribing practitioner of any prescription for a Schedule II-V controlled substance to be sent to the Board.

9. On May 3, 2010, Ms. Sanderson submitted a drug screen pursuant to her participation in the

Minnesota HPSP that was positive for benzodiazepines. Ms. Sanderson was unable to account for the presence of the drug in her body.

10. Term No. 7 of the Board's 2007 Order required Ms. Sanderson to undergo monthly, supervised, and unannounced random drug screens from a Board-approved testing entity, to include testing for alcohol, Xanax (Schedule IV), Percocet (Schedule II), and hydromorphone (Schedule II).

11. Ms. Sanderson failed to submit to any drug screens after May 22, 2010.

12. Term No. 8 of the Board's 2007 Order required Ms. Sanderson to submit quarterly Self-Reports beginning with the initial report due on June 11, 2007, and continuing on the last day of the months of September, December, March, and June until the period of probation ended.

13. Ms. Sanderson failed to submit any Self-Reports since July 12, 2010.

14. At the time of these violations, Ms. Sanderson had not completed two years of active employment as a professional nurse in accordance with the requirement of the Board's 2007 Order.

15. Ms. Sanderson's last day working as an R.N. was December 24, 2011. She relapsed due to stress on December 25, 2011.

16. Following her relapse, Ms. Sanderson was hospitalized. She then entered Hazelden Addiction Treatment Center for a 30 day program. She was unable to attend the recommended three month intensive program due to insurance coverage and financial concerns.

17. Ms. Sanderson suffered a relapse following her treatment at Hazelden. Ms. Sanderson then entered a 90 day intensive detox program at the Gables Treatment Center for Women. She was discharged in June 2012.

18. Ms. Sanderson reports a sobriety date of March 28, 2012.

19. Ms. Sanderson has a new sponsor locally in Virginia. She has begun working on the 12 steps of Alcoholics Anonymous. She has previously completed all 12 steps. Ms. Sanderson is volunteering at the Red Cross in her area.

20. Ms. Sanderson acknowledges that she is an addict. She testified that she has a disease and it is her responsibility. Ms. Sanderson knows what her triggers are, and she recognizes that her sobriety is more important than her license.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of 54.1-3007(7) of the Code.
2. Finding of Fact No. 4 constitutes a violation of 54.1-3007(6) of the Code.
3. Finding of Fact No. 7 constitutes a violation of Term No. 4 of the Board's 2007 Order.
4. Finding of Fact No. 9 constitutes a violation of Term No. 6 of the Board's 2007 Order.
5. Finding of Fact No. 11 constitutes a violation of Term No. 7 of the Board's 2007 Order.
6. Finding of Fact No. 13 constitutes a violation of Term No. 8 of the Board's 2007 Order.
7. Ms. Sanderson has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0001-164590 issued to Jodi Sanderson, R.N., to practice professional nursing in the Commonwealth of Virginia, hereby is hereby REINSTATED.
2. License No. 0001-164590 issued to Jodi Sanderson, R.N., to practice professional nursing in the Commonwealth of Virginia, is hereby INDEFINITELY SUSPENDED. Said suspension shall be STAYED upon proof that Ms. Sanderson has entered into a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") and upon the condition that she remain compliant with the terms of a Recovery Monitoring Contract with the HPMP and the following terms and conditions:
 - a. Ms. Sanderson shall comply with all terms and conditions for the period specified by the

HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Sanderson, and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Sanderson is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

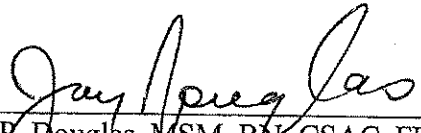
ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

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

4. This Order shall be applicable to Ms. Sanderson's multistate licensure privileges, if any, to practice professional nursing. It is further ordered that for the duration of this Order, Ms. Sanderson 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 s/he wishes to work.

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.

FOR THE BOARD




Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing



ENTERED

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 P. Douglas, R.N., M.S.M., C.S.A.C., 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