

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DAWN M. RICE, R.N.
License No.: 0001-138400

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on March 8, 2016, in Henrico County, Virginia. Dawn M. Rice, R.N., was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 18, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Rice 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. Dawn M. Rice, R.N., was issued License No. 0001-138400 to practice professional nursing by the Virginia Board of Nursing on June 28, 1994. Said license is set to expire on November 30, 2016. Her primary state of residence is Virginia.
2. By letter dated February 10, 2016, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Rice notifying her that an informal conference would be held on March 8, 2016. The Notice was sent by certified and first class mail to 5500 Creek Crossing Drive, Midlothian, Virginia 23112, the address of record on file with the Board of Nursing. According to the USPS website, as of March 7, 2016, Ms. Rice had not retrieved her certified mail from the post office. The Notice sent by first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate

notice was provided to Ms. Rice and the informal conference proceeded in her absence.

3. By Order of the Board entered July 22, 2009, Ms. Rice's license to practice professional nursing was indefinitely suspended due to diversion of controlled substances from her workplace and her dismissal from the Health Practitioners' Monitoring Program ("HPMP") for relapse and failure to maintain sobriety.

4. By Order of the Board entered May 15, 2015 ("Board's Order"), Ms. Rice was reprimanded and the Board reinstated her license to practice professional nursing on the condition that she enter into and remain in compliance with the HPMP for the time period specified by the HPMP.

5. Ms. Rice entered a Participation Contract with the HPMP on February 5, 2015. She completed a substance abuse evaluation on February 20, 2015, and participation in an intensive outpatient treatment program was recommended. On May 4, 2015, Ms. Rice left a voicemail message stating that she was not going to participate in the HPMP due to her financial situation.

6. On July 17, 2015, Ms. Rice was dismissed from the HPMP for failure to enter into a recommended intensive outpatient program.

CONCLUSIONS OF LAW

Finding of Fact No. 6 constitutes a violation of § 54.1-3007(6) of the Code and Term No. 2 of the Board Order entered May 15, 2015.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Dawn M. Rice, R.N., is hereby REPRIMANDED.
2. License No. 0001-138400 of Dawn M. Rice, R.N., is INDEFINITELY SUSPENDED for a period of not less than two years.
3. The license will be recorded as suspended and no longer current.

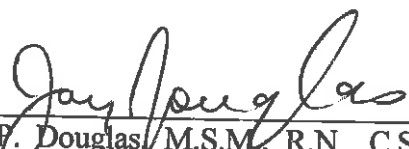
4. At such time as Ms. Rice shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Rice shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

5. This suspension applies to any multistate privilege to practice professional nursing.

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.

Since Ms. Rice failed to appear at the informal conference, this Order shall be considered final. Ms. Rice has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Rice has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD



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

Certified True Copy

By 

Virginia Board of Nursing

Entered: June 1, 2016