

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

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 Virginia Board of Nursing met on April 8, 2015, in Henrico County, Virginia, to receive and act upon the application of Dawn M. Rice for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Rice may have violated certain laws and regulations governing professional nursing practice. Ms. Rice was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Dawn M. Rice was issued License No. 0001-138400 to practice professional nursing in the Commonwealth of Virginia on June 28, 1994. Said license was indefinitely suspended by Order of the Board entered on July 22, 2009, due to findings of diversion and substance abuse. Her primary state of residence is Virginia.
2. Ms. Rice submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on June 16, 2014.
3. By letter dated March 12, 2015, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Rice notifying her that an informal conference would be held on April 8, 2015. 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.

4. On March 18, 2010, in the General District Court of Chesterfield County, Virginia, Ms. Rice was convicted of petty larceny. She was sentenced to 90 days in jail, suspended, and ordered to pay restitution of \$26.00 and court costs and fines totaling \$342.00, which were paid in full on March 18, 2010.

5. Ms. Rice failed to reveal the above-referenced conviction on the application for reinstatement dated June 10, 2014.

6. On the employment application with ACell Regenerative Medical Equipment dated June 18, 2013, Ms. Rice answered “no” to the question, “Have you ever plead guilty or no contest to, or been convicted of any criminal offense other than the applicable exceptions listed above,” when, in fact, she had been convicted of petty larceny as indicated above.

7. Ms. Rice did not present any supporting documentation that she is maintaining her sobriety.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing (“Regulations”).

3. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

4. Ms. Rice otherwise meets the requirements of § 54.1-3017 of the Code.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Dawn M. Rice is hereby REPRIMANDED.

2. The license of Dawn M. Rice is hereby REINSTATED contingent upon her entry into the Health Practitioners' Monitoring Program ("HPMP") pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP within 30 days of the date this Order is entered and, thereafter, complying with all terms and conditions of the HPMP for the period specified by the HPMP.

3. This Order shall be applicable to Ms. Rice's multistate licensure privilege, if any, to practice professional nursing. For the duration of this Order, Ms. Rice shall not work outside 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 wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

4. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Dawn M. Rice and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Rice shall be noticed to appear before the Board at such time as the Board is notified that:

- a. Ms. Rice is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- b. There is a pending investigation or unresolved allegation against Ms. Rice involving a violation of law or regulation or any term or condition of this Order; or
- c. Ms. Rice has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Rice's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Rice's appearance before the Board and conduct an administrative review of this matter.

5. Ms. Rice shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 et seq. of the Code and the Board of Nursing Regulations.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Rice may, not later than 5:00 p.m., on June 17, 2015, notify Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:

for *Stelvia Mitchell-Lively*
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director, Virginia Board of Nursing

ENTERED: *May 15, 2015*

This Order shall become final on June 17, 2015 unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By *dgraham*
Virginia Board Of Nursing