

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           Autumn Burks Dews, R.N.  
                  a.k.a. Autumn Ferguson  
                  License Number: 0001-198379  
                  Case Number: 170644**

**RATIFICATION AND ORDER**

On May 18, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Autumn Burks Dews, R.N. was present and was not represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 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.

Pursuant to Virginia Code § 54.1-2400(10), Ms. Dews may, not later than 5:00 p.m., on June 27, 2016, notify Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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 BOARD

*for* *Gloria Mitchell-Lively*  
Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

ENTERED AND MAILED ON:

*May 25, 2016*

This Order shall become final on June 27, 2016, unless a request for a formal administrative hearing is received as described above.

**Certified True Copy**

By: *M. Baugh*  
**Virginia Board of Nursing**

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**REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE**

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jodi P. Power, R.N., J.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on April 13, 2016 in Henrico County, Virginia, to inquire into evidence that Autumn Burks Dews, R.N. may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Dews appeared at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

**Notice**

By letter dated March 14, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Dews notifying her that an informal conference would be held on April 13, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. By letter dated April 11, 2016, the Board of Nursing sent an Amended Notice of Informal Conference (“Amended Notice”) to Ms. Dews notifying her that an informal conference would be held on April 13, 2016. The Amended Notice was sent by overnight mail to the legal address of record on file with the Board of Nursing.

### Recommended Findings of Fact and Conclusions of Law

1. Autumn Burks Dews, R.N. was issued License Number 0001-198379 to practice professional nursing on September 23, 2005, which is scheduled to expire on April 30, 2018. At all times relevant to the allegations herein, said license was in full force and effect. Her primary state of residence is Virginia.
2. During the course of her employment with Lynchburg General Hospital, Lynchburg, Virginia:
  - a. Ms. Dews violated Virginia Code § 54.1-3007(2), (5), (6), and (8) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”) in that, by her own admission between February and September 2015, Ms. Dews diverted hydromorphone (C-II) on numerous occasions for her personal, unauthorized use by taking wasted IV syringes from sharps containers.
  - b. Ms. Dews violated Virginia Code § 54.1-3007(2), (5), (6), and (8) and 18 VAC 90-20-300(A)(2)(c), (e), and (f) of the Regulations in that after her use escalated, by her own admission between September 23 and November 8, 2015, she diverted hydromorphone from approximately 17 patients on approximately 27 occasions for her personal, unauthorized use. Ms. Dews accomplished this diversion by withdrawing vials of hydromorphone from the Accudose system under different patient names, removing 5ml of hydromorphone, replacing the hydromorphone with saline, and then replacing the adulterated vials back in the Accudose drawer.
3. As a result of these incidents, Ms. Dews submitted to a reasonable cause urine drug screen on November 11, 2015, which was positive for hydromorphone. As a result of the positive screen and the admitted diversion, Ms. Dews’ employment with Lynchburg General Hospital was terminated on November 19, 2015, after ten years of employment.

4. Ms. Dews violated Virginia Code § 54.1-3007(6) in that she suffers substance abuse and/or chemical dependency, as evidenced by the following:

a. On December 9, 2015, Ms. Dews returned to Lynchburg General Hospital, after her employment there had been terminated, and she attempted to remove medications from sharps containers.

b. On December 11, 2015, Ms. Dews signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"), in which she acknowledged her opiate abuse.

5. Ms. Dews entered inpatient substance abuse rehabilitation at Mount Regis Center, Salem, Virginia on December 14, 2015 and completed treatment on December 23, 2015. Ms. Dews began an intensive outpatient treatment at Pathways Treatment Center, Lynchburg, Virginia in February 2016, and she completed this treatment on March 15, 2016.

6. At the informal conference, Ms. Dews stated that her date of sobriety is December 10, 2015. She currently attends NA meetings at least four times a week, attends a weekly aftercare meeting, is subject to random urine drug screens, and sees a therapist. Ms. Dews has a sponsor and is working the steps.

7. Ms. Dews signed a Recovery Monitoring Contract with the HPMP on March 7, 2016. According to a Compliance Report dated April 8, 2016, Ms. Dews was placed on warning status for failing to return phone calls and failing to call the test line on two occasions in March 2016. Ms. Dews was otherwise in compliance and is attending her required meetings, has had no positive urine drug screens, and is making progress with her treatment. Ms. Dews is not currently employed and has not been approved to return to practice.

### Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. Autumn Burks Dews is REPRIMANDED.
2. The license of Autumn Burks Dews to practice professional nursing is SUSPENDED.
3. The license will be recorded as suspended.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. Should Autumn Burks Dews seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Autumn Burks Dews to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. Dews 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.
6. The suspension is STAYED and shall remain stayed contingent upon Autumn Burks Dews' continued compliance with all terms and conditions of the HPMP for the period specified by the HPMP.
7. Upon receipt of evidence of Autumn Burks Dews' participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Autumn Burks Dews's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.
8. This Order is applicable to Autumn Burks Dews' multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Autumn Burks Dews 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.

9. Failure to comply with the terms and conditions of the stay of suspension shall be reason for summarily rescinding the stay of suspension of the license of Autumn Burks Dews, and the license shall be recorded as suspended. After any rescission of the stay of suspension, a formal administrative proceeding shall be instituted.

10. Autumn Burks Dews shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Reviewed and approved on April 21, 2016  
By Jodi Power, R.N., J.D.  
Agency Subordinate

**Certified True Copy**

By   
**Virginia Board of Nursing**