

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JACQUELINE SAWYER, R.N.

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 October 3, 2008, in Henrico County, Virginia. Ms. Sawyer was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28, 2009, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Sawyer 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. Jacqueline Sawyer, R.N., was issued License No. 0001-174504 to practice professional nursing in Virginia on July 12, 2001. The license is set to expire on September 30, 2009.
2. By letter dated August 26, 2008, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Sawyer notifying her that an informal conference would be held on October 3, 2008. The Notice was sent by certified and first class mail to 4406 Village Park Avenue, Chester, Virginia 23831, the address of record on file with the Board of Nursing.
3. By her own admission, in May, 2007, and between October 15, 2007, and December 10, 2007, during the course of her employment with CJW Medical Center's Endoscopy Clinic, Richmond,

Virginia, Ms. Sawyer diverted and self-injected fentanyl (schedule II) while on duty, and sometimes worked while impaired. She accomplished her diversion by signing out more medication than was needed and by taking medication that she documented as wasted.

4. Ms. Sawyer entered the Health Practitioners' Intervention Program ("HPIP") in December, 2007, and entered Williamsburg Place, Williamsburg, Virginia, for treatment on January 15, 2008. She signed her first Recovery Monitoring Contract with the HPIP on February 20, 2008. At the informal conference, Ms. Sawyer's HPIP case manager reported that she is compliant with her contract.

5. Ms. Sawyer currently attends the Family Counseling Center, Richmond, Virginia, for outpatient treatment. She attends either N.A. or A.A. three to five times a week. Ms. Sawyer has a sponsor, and states that her sobriety date is December 16, 2007.

6. Ms. Sawyer is seeing a licensed clinical social worker for treatment for an eating disorder.

7. As of the date of the informal conference, Ms. Sawyer is working for Virginia Physicians for Women, Richmond, Virginia, as an Advice Nurse and has no access to narcotics. The employment was approved by the HPIP.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION at this time, contingent upon the continued compliance of Jacqueline Sawyer, R.N., with all terms and conditions of her Recovery Monitoring

Contract (“Contract”) with the HPIP for the period specified in the Contract.

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

a. Ms. Sawyer is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP;

b. There is a pending investigation or unresolved allegation against Ms. Sawyer involving a violation of law or regulation or any term or condition of this Order.

3. Ms. Sawyer 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.

This Order is subject to appeal to the Board. If Ms. Sawyer desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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.

FOR THE BOARD

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

Entered: February 11th, 2009

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Jacqueline Sawyer at 4406 Village Park Avenue, Chester, Virginia 23831.

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

February 11th, 2009
DATE

Certified True Copy
By dgraham
Virginia Board of Nursing