

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JACQUELINE HATCH SAWYER, R.N.
LicenseNumber: 0001-174504
Case Number: 176791

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on May 18, 2017, in Henrico County, Virginia, to inquire into evidence that Jaqueline Hatch Sawyer, R.N., may have violated certain laws and regulations governing the practice of nursing in the Commonwealth of Virginia.

Jacqueline Hatch Sawyer, R.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated April 26, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Sawyer notifying her that a formal administrative hearing would be held on May 18, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On July 12, 2001, the Board issued License Number 0001-174504 to Jacqueline Hatch Sawyer, R.N. to practice professional nursing in the Commonwealth of Virginia. Said license was suspended on February 8, 2017. At all times relevant hereto, said license was in full force and effect. Her primary state of residence is Virginia.

2. By Order of the Board entered February 11, 2009, the Board took no action against Ms. Sawyer's license, contingent upon Ms. Sawyer's continued compliance with the Health Practitioners' Monitoring Program ("HPMP"). This Order was based on her admitted diversion of fentanyl (C-II) from her employer. Ms. Sawyer was released from all terms of the 2009 Order after completing her HPMP contract on January 24, 2013. Ms. Sawyer's license to practice professional nursing was suspended by the Board with the suspension stayed contingent upon her continued compliance with the HPMP, on May 17, 2016. This action was the result of Ms. Sawyer's diversion of fentanyl and propofol from her employer. By letter dated February 8, 2017, the Board rescinded the stay of suspension due to Ms. Sawyer's failure to comply with the terms and conditions of the May 17, 2016, Board Order.

3. Term Number 3 of the Board's May 17, 2016 Order required Ms. Sawyer to continue to comply with all terms and conditions of the HPMP. On February 6, 2017, Ms. Sawyer was urgently dismissed from the HPMP due to noncompliance with her Recovery Monitoring Contract. Specifically, she failed to enter and complete treatment as recommended, continued to use alcohol, and failed to comply with the toxicology screening program.

4. On October 11, 2016, Ms. Sawyer was admitted to Chippenham Medical Center, Tucker Pavilion, Richmond, Virginia, following an attempted suicide. She had overdosed on aspirin, and admitted to hospital staff that she was drinking four bottles of wine per day. Ms. Sawyer was diagnosed with posttraumatic stress disorder, history of bipolar disorder and alcohol dependence.

5. On January 23, 2017, Ms. Sawyer was admitted to Chippenham Medical Center, Tucker Pavilion, following a suicide attempt. Ms. Sawyer stated to hospital staff that she was consuming six bottles of wine per day. She was diagnosed with major depression, recurrent and alcohol dependence.

6. On February 3, 2017, Ms. Sawyer was arrested and charged with driving while intoxicated (“DWI”), first offense, in Chesterfield, Virginia.

7. At the hearing, Ms. Sawyer apologized for her behavior. She explained that she has felt like everything was falling apart, but that the DWI was a wake-up call, and she can see that she is starting to make changes. Ms. Sawyer stated to the Board that she became depressed and began to drink alcohol and was unable to stop drinking. She testified that she now knows she can never drink alcohol again, and can never use narcotics again.

8. Ms. Sawyer testified that her date of sobriety is February 9, 2017. She stated that her support system is her family, her friends, and her sponsor. She stated to the Board that she is undergoing treatment through Castleton Consultants, and she is attending outpatient meetings twice per week, three Alcoholics Anonymous meetings per week, and individual therapy.

9. At the hearing, Ms. Sawyer asked the Board for another chance to enter the HPMP and demonstrate that she can maintain compliance and sobriety. She expressed that she would like to wait at least a year before attempting to practice again in order to prove that she can comply with recommendations and maintain sobriety.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of Virginia Code § 54.1-3007(6) and Term Number 3 of the Board’s Order entered May 17, 2016.

2. Findings of Fact Nos. 4 through 6 constitute a violation of Virginia Code § 54.1-3007(6).

3. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Sawyer’s health records or health services.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The license issued to Jacqueline Hatch Sawyer, R.N., to practice professional nursing in the Commonwealth of Virginia is CONTINUED on INDEFINITE SUSPENSION.
2. The license of Ms. Sawyer will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Ms. Sawyer seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Sawyer to demonstrate that she is safe and competent to return to the practice of nursing. Ms. Sawyer shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice
5. The suspension shall be STAYED upon proof of Ms. Sawyer's re-entry into a Contract with the HPMP.
6. Upon stay of the suspension, Ms. Sawyer, shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
7. Upon receipt of evidence of Ms. Sawyer's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Sawyer's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license to practice professional nursing.
8. This Order is applicable to Ms. Sawyer's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Sawyer shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission

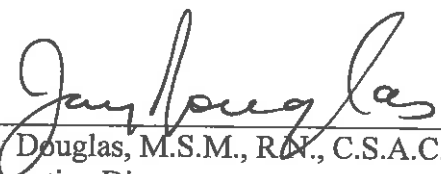
of the Virginia Board of Nursing and the Board of Nursing in the party state where she seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

9. Failure to comply with the terms and conditions of the stay of suspension shall result in the immediate rescission of the stay of suspension of the license of Ms. Sawyer and the license shall be recorded as suspended. After any rescission of the stay of suspension, Ms. Sawyer may, within 33 days of the effective date of the rescission, request a formal administrative hearing before the Board.

10. Ms. Sawyer shall comply with all laws and regulations governing the practice of nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code §§ 2.2-4023 and 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.

FOR THE BOARD



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

ENTERED AND MAILED ON:

June 6TH, 2017

Certified True Copy

By 

Virginia Board Of Nursing

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 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. 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.