

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: LEE ANNE NICHOLS WILLOUGHBY, R.N.**  
**LicenseNumber: 0001-213773**  
**Case Number: 179079**

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**ORDER**

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**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 July 19, 2017, in Henrico County, Virginia, to inquire into evidence that Ms. Willoughby may have violated an Order of the Board dated May 17, 2016

Lee Anne Nichols Willoughby, R.N., appeared at this proceeding and was not represented by legal counsel.

**NOTICE**

By letter dated June 28, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Willoughby notifying her that a formal administrative hearing would be held on July 19, 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 8, 2008, the Board issued License Number 0001-213773 to Lee Anne Nichols Willoughby, R.N. to practice professional nursing in the Commonwealth of Virginia. Said license was indefinitely suspended by Order of the Board dated May 17, 2016, with the suspension stayed contingent upon Ms. Willoughby’s continued compliance with the Health Practitioners’ Monitoring

Program (“HPMP”). On February 23, 2017, the stay was rescinded and the license was indefinitely suspended on on February 23, 2017. At all times relevant hereto, said license was in full force and effect. Her primary state of residence is Virginia.

2. The May 2016 Consent Order was based on findings that in October and November 2015, Ms. Willoughby had diverted medications, including fentanyl, hydromorphone, morphine and oxycodone/acetaminophen from the Hague Center for Cosmetic Surgery in Norfolk. She was once sent home early after appearing sleepy and drowsy and on November 25, 2015, she tested positive for morphine on a for-cause employment drug screen. She did not have a prescription for morphine. She admitted to the diversion and resigned.

4. Term No. 5(a) of the Consent Order required her to comply with all terms of HPMP for the period specified by the HPMP.

5. Ms. Willoughby signed a Participation Contract with HPMP on January 8, 2016. She began intensive outpatient treatment in late January and was already seeing a pain management specialist. A positive alcohol test was attributed to her diabetes. In March, she tested positive for ethanol, lorazepam, alprazolam hydrocodone, and fentanyl. She was not cleared to take hydrocodone or alprazolam and she reported misusing her late mother’s alprazolam. A positive morphine test in May 2016 was attributed to her report that she ate pretzels with poppy seeds. She tested positive for fentanyl in September 2016 and explained that she may have rolled onto her husband’s patch while asleep in bed, causing it to stick to her until morning, which the Medical Review Officer stated was consistent with the positive result. However, in a March 25, 2017, treatment summary, Ms. Willoughby’s physician wrote that after Ms. Willoughby relayed this “convoluted story about accidental contact,” “by her working with the group this delusional thinking was resolved and once again she became honest and willing to work.”

6. Ms. Willoughby was later found to have misused her fentanyl patch and hydrocodone prescriptions from her May 2016 carpal tunnel surgery. In January 2017, shortly after being approved to look for practice, she refused to give a urine screen three days after giving a “hot” urine sample. She missed calls to the test line three times, in March, April, and July 2016. A hair test on February 1, 2017, was positive for hydrocodone; she reported taking one or two pills from an old prescription to deal with back pain, but she had not secured approval to use this medication and had failed to report it until the positive hair test was reported.

7. On February 15, 2017, Ms. Willoughby was dismissed from HPMP for continued use of opiates, subversion of urine and noncompliance with the toxicology screening program. The stay was rescinded and her license was suspended indefinitely on February 23, 2017.

8. Ms. Willoughby reported a sobriety date in testimony to the Board of December 24, 2016.

#### CONCLUSIONS OF LAW

1. Finding of Fact No. 7 constitutes a violation of Term Number 5(a) of the Board’s Order.
2. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Willoughby’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 of Lee Anne Nichols Willoughby, R.N., to practice professional nursing is **INDEFINITELY SUSPENDED**.
2. The license will be recorded as suspended.

3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Lee Anne Nichols Willoughby, R.N., seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Willoughby to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. Willoughby 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. Willoughby's entry into a Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP")
6. Upon stay of the suspension, Lee Anne Nichols Willoughby, R.N., shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
7. Upon receipt of evidence of Ms. Willoughby's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Willoughby'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 Ms. Willoughby's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Willoughby 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 Lee Anne Nichols Willoughby, R.N., and the license shall be recorded as suspended. After any rescission of the stay of suspension,

Ms. Willoughby may, within 33 days of the effective date of the rescission, request a formal administrative hearing before the Board.

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

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

ENTERED AND MAILED ON:

August 9<sup>th</sup>, 2017

**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 P. Douglas, MSM, RN, CSAC, FRE, 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.

Certified True Copy

By   
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Virginia Board Of Nursing