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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LEE ANNE N. WILLOUGHBY, R.N.
License No.: 0001-213773

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Nursing ("Board") on April 4, 2016 in Henrico County, Virginia, to inquire into evidence that Ms. Willoughby may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Willoughby was present and was not represented by counsel.

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

FINDINGS OF FACT

1. Lee Anne N. Willoughby, R.N. was issued License No. 0001-213773 to practice professional nursing in the Commonwealth of Virginia on July 8, 2008. Said license expires on September 30, 2017. Ms. Willoughby's primary state of residence is Virginia.
2. By letter dated March 7, 2016, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Willoughby notifying her that an informal conference would be held on April 4, 2016. The Notice was sent by certified and first class mail to 3532 Robs Drive, Suffolk, Virginia 23434, the address of record on file with the Board of Nursing.
3. During the course of her employment with the Hague Center for Cosmetic and Plastic Surgery, Norfolk, Virginia:

- a. In October and November 2015, Ms. Willoughby diverted fentanyl (C-II), Dilaudid (hydromorphone, C-II), morphine (C-II), and Percocet (oxycodone/ acetaminophen, C-II) from the facility supply for her own personal and unauthorized use. Ms. Willoughby accomplished this by tampering with vials or bottles of the medications, and then replacing the medications with saline and Tylenol tablets. Ms. Willoughby then covered her diversion by logging the tampered medication vials to patients so that she could discard the vials of saline.
- b. In October 2015, Ms. Willoughby was sent home early from work after multiple coworkers observed that she appeared “drowsy” and “sleepy,” and Ms. Willoughby stated that she had taken Benadryl.
- c. On November 25, 2015, Ms. Willoughby submitted to a for-cause urine drug screen which tested positive for morphine, for which she did not have a prescription.
4. After reviewing the results of the urine drug screen with her employer on November 30, 2015, Ms. Willoughby admitted that she had diverted the medications and resigned from her position at the Hague Center for Cosmetic and Plastic Surgery after nine months of employment.
5. On January 8, 2016, Ms. Willoughby signed a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”) in which she acknowledged her opioid abuse.
6. On January 13, 2016, Ms. Willoughby submitted to a urine drug screen which tested positive for hydromorphone, for which she did not have a prescription. On that same date, Ms. Willoughby told an investigator for the Department of Health Professions that she had accidentally taken a Dilaudid tablet that belonged to her mother.
7. At the informal conference, Ms. Willoughby stated that she attended an intensive outpatient program with Tidewater Psychotherapy Services, Virginia Beach, Virginia from January 21 through March 30, 2016. Ms. Willoughby stated that she attends Narcotics Anonymous meetings three times a week. Ms.

Willoughby is under the care of Dr. Robert Hansen for pain management, and she is currently prescribed Cymbalta (duloxetine), Flexeril (cyclobenzaprine), fentanyl, oxycodone, and Ativan (lorazepam, C-IV).

8. In a noncompliance report dated April 1, 2016, Ms. Willoughby's HPMP case manager reported that Ms. Willoughby had submitted to a urine drug screen which tested positive for lorazepam, alprazolam (C-IV), hydrocodone (C-II), and fentanyl on March 21, 2016. Ms. Willoughby admitted that she had taken her mother's Xanax (alprazolam) on March 10 and 11, 2016 and her husband's Vicodin (hydrocodone/ acetaminophen) on March 11, 2016. As a result, Ms. Willoughby was placed on warning status with the HPMP, and Ms. Willoughby's treatment provider recommended that she enter residential treatment.

9. Ms. Willoughby stated that she is currently employed in a full-time, non-nursing position and that she holds a P.R.N. position with the Jones Institute for Reproductive Medicine, Eastern Virginia Medical School, Norfolk, Virginia ("Jones Institute"). However, Ms. Willoughby stated that she was not currently taking any assignments with the Jones Institute.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) 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.
2. Findings of Fact Nos. 3(b) and 3(c) constitute a violation of § 54.1-3007(5) and (6) of the Code.
3. Findings of Fact Nos. 5 and 6 constitute a violation of § 54.1-3007(6) of the Code.

CONSENT

Lee Anne N. Willoughby, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;

2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to a formal hearing;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. License No. 0001-213773 of Lee Anne N. Willoughby, R.N. is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Willoughby shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Willoughby 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.
4. This suspension applies to any multistate privilege to practice professional nursing.

5. This suspension shall be STAYED upon Ms. Willoughby's continued compliance with the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Willoughby shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Willoughby, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Willoughby is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Willoughby's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Willoughby involving a violation of law, regulation, or any term or condition of this order.

6. Ms. Willoughby shall be noticed to appear before the Board at such time as the Board is notified that she has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Willoughby's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Willoughby's appearance before the Board and conduct an administrative review of this matter.

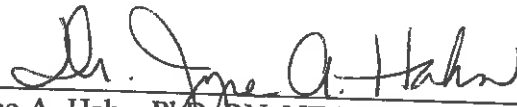
7. This Order is applicable to Ms. Willoughby's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Willoughby shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Willoughby wishes to

work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

8. Ms. Willoughby 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 upon request.

FOR THE BOARD



Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
President, Virginia Board of Nursing

ENTERED: _____

5/17/16

SEEN AND AGREED TO:

Lee Anne N. Willoughby, R.N.
Lee Anne N. Willoughby, R.N.

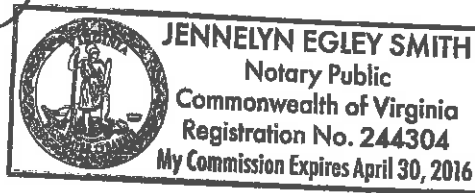
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Chesapeake, TO WIT:

Subscribed and sworn to before me, Jennelyn Egley Smith, a Notary Public, this 19 day of April, 2016.

My commission expires April 30, 2016.

Registration Number 244304.

Jennelyn Egley Smith
NOTARY PUBLIC



Certified True Copy

By A. Fowler
Virginia Board of Nursing