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By 
Virginia Board of Nursing



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MAY 19 2016

COMMONWEALTH of VIRGINIA VA BD OF NURSING

David E. Brown, D.C.
Director

Department of Health Professions

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9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

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TEL (804) 367-4400
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May 16, 2016

Iolanthe Merlino Stokes
17265 Honeydew Court
Peyton, CO 80831

CERTIFIED MAIL
DUPLICATE COPY
VIA FIRST CLASS MAIL
DATE 5/16/16

RE: License No.: 0001-188388

Dear Ms. Stokes:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered May 16, 2016. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, the application may be obtained at www.dhp.virginia.gov.

Sincerely,



Lisa R. Hahn, M.P.A., Chief Deputy Director
Department of Health Professions

Enclosures
Case # 173557

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

**IN RE: IOLANTHE MERLINO STOKES, R.N.
License No.: 0001-188388**

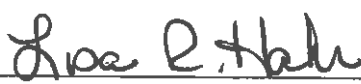
ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Lisa R. Hahn, M.P.A., Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that the privilege of Iolanthe Merlino Stokes, R.N., to practice nursing through the Nurse Licensure Compact in the State of Colorado was revoked by a Final Agency Order dated May 2, 2016. A certified copy of the Final Agency Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Iolanthe Merlino Stokes, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Iolanthe Merlino Stokes, R.N., will be recorded as suspended and no longer current. Should Ms. Stokes seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



Lisa R. Hahn, M.P.A., Chief Deputy Director
Department of Health Professions

ENTERED: May 16, 2016



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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CERTIFICATION OF DUPLICATE RECORDS

I, Lisa R. Hahn, M.P.A., Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Final Agency Order dated May 2, 2016, regarding Iolanthe Merlino Stokes, R.N., is a true copy of the records received from the Colorado State Board of Nursing.

Lisa R. Hahn
Lisa R. Hahn, M.P.A.

Date: May 16, 2016

BEFORE THE STATE BOARD OF NURSING
HEARINGS PANEL A
STATE OF COLORADO



I do hereby certify the foregoing to be a true copy of the document which is on file or is of record in my office

[Signature] 5/2/16
Authorized Signature

FINAL AGENCY ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE MULTISTATE LICENSURE PRIVILEGE TO PRACTICE PROFESSIONAL NURSING IN THE STATE OF COLORADO PURSUANT TO THE NURSE LICENSURE COMPACT ASSOCIATED WITH VIRGINIA, LICENSE NUMBER 118388, ISSUED TO IOLANTHE MERLINO STOKES, R.N., OAC CASE NUMBER NB 2015-0011,

Respondent.

This matter came before the State Board of Nursing, Hearings Panel B (the "Hearings Panel") for review of the Initial Decision Upon Default, of Administrative Law Judge, Michelle Norcross (the "ALJ") issued in the above-captioned case on January 12, 2016. The Board filed a Designation of Record on January 29, 2016.

On April 27, 2016, the Hearings Panel considered the Initial Decision Upon Default of the ALJ and the subsequent pleadings filed by the parties as noted above. Conflicts counsel from the Office of the Attorney General was present during deliberations to advise the Hearings Panel.

After consideration of the record as defined in Inquiry Panel B's Designation of Record, the Initial Decision Upon Default, and the pleadings filed on exceptions by Inquiry Panel B, the Hearings Panel unanimously entered its Final Agency Order pursuant to § 24-4-105, C.R.S., as follows:

1. The ALJ's Initial Decision, a copy of which is attached to this Final Board Order, is hereby affirmed and adopted *except* as follows:

a. In the Notice of Charges filed against Respondent, the Board charged the following violations against Respondent:

Count I. Acted in Manner Inconsistent with Health and Safety of Patients, in violation of Section 12-38-117(1)(c), C.R.S.

Count II. Failed to Meet Acceptable Standards for Nursing Practice, in violation of Section 12-38-117(1)(f), C.R.S.

Count III. False or Incorrect Entries on Patient Records, in violation of Section 12-38-117(1)(h), C.R.S., and,



Section 12-38-117(1)(l), C.R.S.

b. The Board did not charge Respondent with a violation of Section 12-38-117(1)(u), C.R.S., regarding failure to respond in a materially factual and timely manner to a complaint issued pursuant to section 12-38-116.5(3), C.R.S. Thus, there are no facts in the underlying record regarding whether Respondent did or did not respond to the Board's Complaint.

c. The Initial Decision, the Administrative Law Judge, concludes in the Conclusions of Law section that Respondent is subject to discipline pursuant to Section 12-38-117(1)(c), (f), (h), and (u), C.R.S.

d. Pursuant to Section 24-4-105(15)(b), Hearings Panel A enters a Final Agency Order which modifies the Initial Decision to delete the Conclusion of Law, Paragraph 6, regarding Section 12-38-117(1)(u), C.R.S. and incorporate the statutory violation set forth in Count IV of the Notice of Charges, regarding a violation of Section 12-38-117(1)(l), C.R.S. Paragraph 6 is modified to read as follows:

"Respondent is subject to discipline pursuant to Section 12-38-117(1)(l), C.R.S. because she engaged in conduct which would constitute a crime as defined in title 18, C.R.S., and which conduct relates to such person's employment as a practical or professional nurse."

THEREFORE, IT IS ORDERED that the revocation of Respondent's multistate licensure privilege to practice as a professional nurse in the State of Colorado is UPHELD.

This decision becomes final upon mailing. Any party adversely affected or aggrieved by any agency action may commence an action for judicial review before the Court of Appeals within forty-nine (49) days after such action becomes effective.

Dated and signed this 2nd day of May, 2016.


FOR THE STATE BOARD OF NURSING
HEARINGS PANEL A

STATE OF COLORADO
OFFICE OF ADMINISTRATIVE COURTS
1525 Sherman Street, 4th Floor Denver, Colorado 80203

STATE BOARD OF NURSING,
Petitioner,

vs.

IOLANTHE MERLINO STOKES, RN, LICENSE NO.
1188388,
Respondent.

▲ COURT USE ONLY ▲

Case No. NB 2015-0011

INITIAL DECISION UPON DEFAULT

This case is a disciplinary proceeding before the State Board of Nursing ("Board") involving the multistate licensure privilege to practice professional nursing in the state of Colorado pursuant to the Nurse Licensure Compact associated with the Virginia professional nursing license of Iolanthe Merlino Stokes, RN ("Respondent"). The Board was represented by Maureen A. West, Assistant Attorney General. Respondent did not appear in this proceeding. Based upon Respondent's failure to file an answer to the Board's Notice of Charges, an Entry of Default was issued on December 3, 2015. Respondent then had ten days to show good cause why the default should be set aside pursuant to section 24-4-105(2)(b), C.R.S. Respondent did not file a motion to set aside the default and this matter became ready for the issuance of an initial decision upon default on December 15, 2015.

FINDINGS OF FACT

Procedural Facts

1. On December 15, 2003, Respondent was licensed as a professional nurse in the state of Virginia, a party state to the Nurse Licensure Compact, Sections 24-60-3201 and -3202, C.R.S., being issued license number 1188388, and has been so licensed at all times relevant herein.
2. Respondent has been practicing as a professional nurse in the state of Colorado pursuant to the Nurse Licensure Compact under Virginia license number 1188388 at all times relevant herein.
3. The Board possesses jurisdiction over Respondent and the subject matter of these proceedings as set forth in the Colorado Nurse Practice Act, Sections 12-38-101 to -133, C.R.S., and the Colorado Administrative Procedure Act, Sections 24-4-101 to 108, C.R.S.

4. On September 30, 2015, the Board filed its Notice of Duty to Answer, Notice to Set, Notice of Hearing and Notice of Charges ("Notice of Charges") against Respondent in the above-referenced matter.

5. Pursuant to Section 24-4-105, C.R.S., the Notice of Charges was sent by first class mail to Respondent's last known address of record on file with the Board, as evidenced in the certificate of mailing attached thereto.

6. Respondent's answer to the Notice of Charges was due on or before October 30, 2015.

7. The Notice of Charges set forth that Respondent's failure to respond to the Notice of Charges within 30 days could result in a default decision issued against Respondent's multistate licensure privilege to practice as a professional nurse in the state of Colorado.

8. To date, no written answer to the Notice of Charges has been filed by Respondent.

9. Pursuant to Section 24-4-105(2)(b), C.R.S., the Board filed a Motion for Entry of Default on November 6, 2015.

10. On November 6, 2015, the Board sent its Motion for Entry of Default via first class mail to Respondent's last known address of record on file with the Board.

11. On December 3, 2015, the Office of Administrative Courts mailed an Entry of Default to Respondent via first class mail. Respondent did not file a motion to set aside the Entry of Default.

Underlying Facts

12. On February 19, 2013, Respondent was hired by Integrated Healthcare Staffing ("IHS") as a professional nurse.

13. IHS is a national healthcare staffing agency that places licensed professional nurses who have been issued a nursing license in another state, and qualify under NLC, on travel assignments to practice professional nursing in the state of Colorado.

14. On January 14, 2014, and January 15, 2014, IHS placed Respondent as a professional nurse at Flatirons Surgery Center in Louisville, Colorado ("Flatirons").

15. The day shift at Flatirons begins at approximately 7:00 am and ends at approximately 7:00 pm on the same day ("the day shift").

16. The night shift at Flatirons begins at 7:00 pm in the evening on one day, and ends at 7:00 am in morning of the following day ("the night shift").

17. Respondent did not provide professional nursing services at Flatirons during the day shift on January 14, 2014.

18. Respondent provided professional nursing services at Flatirons during the night shift that began at approximately 7:00 pm on January 14, 2014, and ended at approximately 7:00 am on January 15, 2014.

19. On January 14, 2014, during the shift change between the day shift and the night shift, the narcotic keys to the medication refrigerator ("narcotic keys") were transferred to Respondent from a Flatirons day shift staff member.

20. Upon transferring the narcotic keys to Respondent during the shift change, Respondent was charged with securing the narcotic keys during the January 14, 2014, through January 15, 2014 night shift.

21. On January 14, 2014, during the shift change between the day shift and the night shift, the narcotic record that contains counts of narcotics ("narcotic record") was transferred to Respondent from a Flatirons day shift staff member.

22. Upon transferring the narcotic record to Respondent, Respondent was charged with securing the narcotic record during the January 14, 2014, through January 15, 2014, night shift.

23. On January 14, 2014, at the beginning of the day shift, the count for intravenous ("IV") dilaudid 1 mg. vials was recorded in the narcotic record as "3 vials".

24. On January 14, 2014, at the end of the day shift, the count for IV dilaudid 1 mg. vials was recorded in the narcotic record as "3 vials".

25. During the night shift that began on January 14, 2014, and ended on January, 15, 2014, Respondent documented in the narcotic record that she administered 1 milligram of IV dilaudid and 10 milligrams of IV valium to Patient A.

26. Respondent documented a telephone order ("order") from Patient A's physician ordering Respondent to administer "IV Dilaudid 1 mg IVP plus IV Valium 10mg IVP" to Patient A.

27. Patient A's physician ordered IVP Valium 10mg IVP for Patient A.

28. Patient A's physician did not order IV dilaudid 1 mg. for Patient A.

29. Respondent falsified the order by including a prescription for IV dilaudid 1 mg. that Patient A's physician did not order.

30. During the night shift that began on January 14, 2014, and ended on January 15, 2014, Respondent recorded that she administered IV dilaudid 1 mg. to Patient A.

31. On January 15, 2014, at the beginning of the day shift, Flatirons staff examined the narcotic record that had been secured by Respondent.

32. The narcotic record that had been secured by Respondent had a missing narcotic count sheet.

33. Respondent replaced the missing narcotic sheet in the narcotic record with a new narcotic sheet.

34. On the new narcotic sheet Respondent fraudulently altered the count for IV dilaudid 1 mg from a count of "three" to a count of "one".

35. Respondent diverted one or more counts of IV dilaudid 1 mg.

CONCLUSIONS OF LAW

1. Respondent has received timely notice of the time, place, and nature of this hearing, of all matters of fact and law asserted, and of all matters required by Section 24-4-105(2)(a), C.R.S., in the manner required by that section.

2. The Board has jurisdiction over Respondent and over her multistate licensure privilege to practice as a professional nurse in the State of Colorado.

3. Respondent is subject to discipline pursuant to Section 12-38-117(1)(c), C.R.S., because she willfully or negligently acted in a manner inconsistent with the health or safety of persons under her care.

4. Respondent is subject to discipline pursuant to Section 12-38-117(1)(f), C.R.S., because she negligently or willfully practiced nursing in a manner which failed to meet generally accepted standards for such nursing practice.

5. Respondent is subject to discipline pursuant to Section 12-38-117(1)(h), C.R.S., because she falsified or in a negligent manner made incorrect entries or failed to make essential entries on patient records.

6. Respondent is subject to discipline pursuant to Section 12-38-117(1)(u), C.R.S., because she failed to respond in a materially factual and timely manner to a complaint issued pursuant to Section 12-38-116.5(3), C.R.S.

7. Pursuant to Section 24-4-105(2)(b), C.R.S., Respondent was subject to entry of default for failing to provide a written answer to the Notice of Charges within the prescribed time period.


INITIAL DECISION

When the Board has proven that a licensee has violated the Colorado Nurse Practice Act, Sections 12-38-101 to -133, C.R.S., it may impose discipline in the form of a suspension or revocation of the license, or it may issue a letter of admonition, pursuant to Section 12-38-116.5, C.R.S.

In this matter, the Board seeks revocation of Respondent's multistate licensure privilege to practice as a professional nurse in the State of Colorado pursuant to the Nurse Licensure Compact. Respondent did not appear in this matter to present any mitigating factors. There is no information before the Administrative Law Judge indicating that a sanction other than revocation of Respondent's multistate licensure privilege to practice as a professional nurse in the State of Colorado is appropriate in this case. Respondent's failure to appear demonstrates a lack of interest in maintaining her multistate privilege to practice professional nursing in Colorado.

It is therefore the Initial Decision of the Administrative Law Judge that Respondent's multistate licensure privilege to practice as a professional nurse in the State of Colorado be REVOKED.

DONE AND SIGNED this 5th day of January, 2016.


MICHELLE A. NORCROSS
Supervising Administrative Law Judge