

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**JANETTE F. DIOKNO, 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 February 16, 2011, in Henrico County, Virginia. Janette F. Diokno, R.N., was present and was not represented by legal counsel. Janet B. Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 18, 2011, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Diokno 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. Janette F. Diokno, R.N., was issued License No. 0001-193190 to practice professional nursing in Virginia on October 20, 2004. The license is scheduled to expire on July 31, 2011. Ms. Diokno held License No. 041272966 to practice professional nursing in Illinois, which expired on May 31, 2006. She also held License No. 351394 to practice professional nursing in California, which expired on August 31, 2006. Her primary state of residence is Virginia.

2. By letter dated January 12, 2011, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Diokno notifying her that an informal conference would be held on February 16, 2011. The Notice was sent by certified and first class mail to 6220 Hot Spring Lane,

Fredericksburg, Virginia 22407, the address of record on file with the Board of Nursing.

3. During the course of her employment with Mary Washington Healthcare, Fredericksburg, Virginia, on April 16, 2010, Ms. Diokno failed to document the care she provided to four post-surgical patients assigned to her care. Ms. Diokno charted the information on April 26, 27 and 29, 2010; however, she failed to designate the information as late entries. As a result of this incident, Ms. Diokno's employment was terminated on June 17, 2010.

4. Ms Diokno stated that the charting problem was a one-time event and she presented supporting documentation. Ms Diokno has been a nurse since 1982 and has had no other incidents. She is currently unemployed and has not practiced nursing since she left Mary Washington Hospital.

5. Ms. Diokno is being treated for chronic back pain, severe migraine headaches and depression, which affect her ability to complete her assigned duties. On February 14, 2011, Ms. Diokno entered a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP"), in which she acknowledged that mental and/or physical illness may impair her ability to safely practice professional nursing.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION against Janette F. Diokno, R.N., contingent upon her continued compliance with the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Janette F. Diokno, R.N., and an administrative proceeding shall be held to

decide whether her license should be revoked. Ms. Diokno shall be noticed to appear before the Board at such time as the Board is notified that:

- a. Ms. Diokno is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- b. There is a pending investigation or unresolved allegation against Ms. Diokno involving a violation of law or regulation or any term or condition of this Order; or
- c. Ms. Diokno has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Diokno's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Diokno's appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Diokno's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Diokno 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 wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

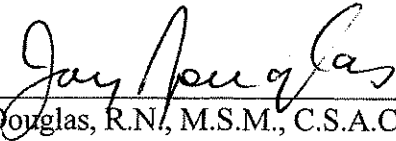
4. Ms. Diokno shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

This Order is subject to appeal to the Board. If Ms. Diokno 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 P. Douglas, R.N., M.S.M., C.S.A.C.

Executive Director

Virginia Board of Nursing

Entered: \_\_\_\_\_

May 31<sup>ST</sup>, 2011