

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JULIE J. COOPER, R.N. REINSTATEMENT APPLICANT
LICENSE NO.: 0001-202144**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on November 17, 2011, in Henrico County, Virginia, to receive and act upon Julie J. Cooper's application for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended by Order of the Department of Health Professions entered April 28, 2011, and to inquire into evidence that Ms. Cooper may have violated certain laws governing nursing practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Cooper was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

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

FINDINGS OF FACT

1. Julie J. Cooper, R.N., was issued License 0001-202144 to practice professional nursing in the Commonwealth of Virginia on July 11, 2006. Said license was mandatorily suspended by Order of the Department of Health Professions entered April 28, 2011. Ms. Cooper's primary state of residence is Virginia.
2. Ms. Cooper submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on August 29, 2011.

3. On March 31, 2011, Ms. Cooper was convicted of driving under the influence of alcohol or drugs, third or subsequent offense within five years, a felony, in the Circuit Court of Henrico County, Virginia. This conviction was the basis for the mandatory suspension of her professional nursing license by the Department of Health Professions.

4. Ms. Cooper submitted a report from her counselor from the Eastern Shore Community Services Board dated August 17, 2011, which recommends that Ms. Cooper's license be reinstated.

5. Ms. Cooper's Health Practitioners' Monitoring Program ("HPMP") case manager appeared and testified that Ms. Cooper was readmitted in to the HPMP in January, 2011. Her case was closed in August 2011, following the mandatory suspension of her license and reinstated again on September 6, 2011, when she submitted her application for reinstatement to the Board. Ms. Cooper has a current Recovery Monitoring Contract and her case manager reports that the HPMP recommends reinstatement.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code.
2. Ms. Cooper is properly enrolled in the HPMP.
3. Ms. Cooper has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS that License No. 0001-180119 issued to Julie J. Cooper, R.N., to practice professional nursing in the Commonwealth of Virginia, be and hereby is REINSTATED. The Board further ORDERS as follows:

1. Ms. Cooper's license is hereby INDEFINITELY SUSPENDED. Said suspension shall be STAYED upon the condition that she remains compliant with the terms of a Recovery Monitoring Contract with the HPMP and the following terms and conditions:

a. Ms. Cooper 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. Cooper, and an administrative proceeding shall be held to decide 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. Cooper is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.


2. Upon receipt of evidence of Ms. Cooper's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Cooper's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

3. This Order shall be applicable to Ms. Cooper's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. It is further ordered that for the duration of this Order, Ms. Cooper may 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.

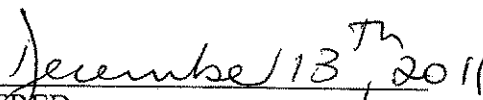
4. Ms. Cooper shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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 on request.

FOR THE BOARD



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



ENTERED

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, R.N., M.S.M., C.S.A.C., 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.