

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: NICOLE DIKE, L.P.N. REINSTATEMENT APPLICANT

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on April 12, 2011, in Henrico County, Virginia, to receive and act upon Nicole Dike’s application for reinstatement of her license to practice practical nursing in Virginia and to inquire into evidence that Ms. Dike may have violated certain laws and regulations governing practical nursing practice. Ms. Dike was present and was not represented by counsel.

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

FINDINGS OF FACT

1. Nicole Dike was issued License No. 0002-069811 to practice practical nursing in the Commonwealth of Virginia on September 17, 2004. Said license was suspended by Order of the Board entered on July 15, 2008. Virginia is her primary state of residence.

2. By letter dated March 10, 2011, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Dike notifying her that an informal conference would be held on April 12, 2011. The Notice was sent by certified and first class mail to 2911 Everleigh Way, Fairfax, Virginia 22031, the address of record on file with the Board of Nursing.

3. Ms. Dike submitted an application for reinstatement of her license to practice practical nursing, which was received by the Board on December 15, 2010.

4. In Ms. Dike's letter to the Board dated January 5, 2011, she admitted to diverting Vicodin (hydrocodone/acetaminophen, Schedule III), chemical dependency treatment, and a conviction for prescription fraud indicated below.

5. On November 9, 2010, Ms. Dike was convicted of misdemeanor prescription fraud in Prince William County, Virginia, Circuit Court.

6. At the informal conference, Ms. Dike reported a sobriety date of January 28, 2008, and that she regularly attends a 12 step program. Ms. Dike signed a Participation Contract on January 13, 2011, and a Recovery Monitoring Contract on March 25, 2011, with the Health Practitioners' Monitoring Program ("HPMP"). Finally, Ms. Dike reported that she is currently working in an orthodontists' office.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(4) and (6) of the Code.
3. Based on the above Findings of Fact, the Committee concludes that Ms. Dike is properly enrolled in the Health Practitioners' Monitoring Program ("HPMP").
4. The Board concludes that Ms. Dike has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The license of Nicole Dike to practice practical nursing in the Commonwealth of Virginia is hereby REINSTATED contingent upon Ms. Dike's continued compliance with the HPMP.
2. This order shall be applicable to Ms. Dike's multistate licensure privilege, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Dike shall not work outside 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 request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Dike, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Dike shall be noticed to appear before the Board at such time as the Board is notified that:

a. She 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 her involving a violation of law or regulation or any term or condition of this Order; or

c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Dike's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

4. Ms. Dike shall maintain a course of conduct in her capacity as a practical 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 COMMITTEE



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

ENTERED: May 6TH, 2011

NOTICE OF RIGHT TO FORMAL HEARING

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, within 33 days of the date of service of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.