

APR 20 2017

DHP

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **SELENA M. HEVENER, L.P.N.**
License Number: 0002-078134
Case Number: 176137

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and Selena M. Hevener, L.P.N., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. Hevener's license to practice practical nursing in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Selena M. Hevener, L.P.N., was issued License Number 0002-078134 to practice practical nursing on May 22, 2008, which is scheduled to expire on May 31, 2017. Her primary state of residence is Virginia
2. On April 27, 2016, the Board entered an Order placing Ms. Hevener on probation for 12 months subject to certain terms and conditions ("Board's Order").
3. Ms. Hevener violated Term No. 1(b) of the Board's April 27, 2016, Order ("Board's Order"), which required her to submit to an evaluation by a chemical dependency specialist satisfactory to the Board and to have a written report of that evaluation sent to the Board by July 26, 2016, in that she did not have that report sent to the Board until October 3, 2016.
4. Ms. Hevener violated Term No. 1(c) of the Board's Order, which required her to provide to the Board a written report from the prescribing practitioner of any Schedule II through V controlled medication prescription within ten days of the date the medication is prescribed, in that she

did not provide such reports to the Board for prescriptions for Xanax, Flexeril, and Zoloft in a timely manner.

5. Ms. Hevener violated Term No. 1(d) and (j) of the Board's Order, which required her to submit to monthly random urine drug screens from a Board-approved testing entity, including testing for alcohol, opiates and benzodiazepines, with the written report of the first screen due by June 26, 2016, in that she failed to submit to the first drug screen until July 26, 2016.

6. Ms. Hevener violated Term No. 1(e) and (j) of the Board's Order, which required her to submit performance evaluations from her employer, with the first one due by June 26, 2016, in that she did not submit any performance evaluations to the Board until January 17, 2017.

7. Ms. Hevener violated Term No. 1(f) of the Board's Order, which limited her practice to only structured, supervised practice employment settings satisfactory to the Board for the first 12 months of probation, in that she worked at Golden Living Center from April 29, 2016, but did not obtain approval of the employment setting until September 30, 2016.

CONSENT

Selena M. Hevener, L.P.N., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;

5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my licensure to practice practical nursing in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Selena Hevener, L.P.N., is REPRIMANDED.
2. Selena Hevener, L.P.N. shall be continued on PROBATION for six months of actual nursing practice subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Hevener has completed six months of active practice in employment as a licensed practical nurse. The license shall be reinstated without restriction at the completion of the probationary period without an administrative proceeding unless there is a pending investigation or unresolved allegation involving a violation of law, regulation, or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, Virginia Code § 2.2-400 *et seq.*.

b. Ms. Hevener shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/ patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V

controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

c. Ms. Hevener shall be required to have one supervised, unannounced random drug screen a month from a Board-approved testing entity, which includes testing for alcohol and the following drugs of choice: opiates and benzodiazepines.

d. Performance evaluations shall be provided to the Board, at the direction of Ms. Hevener, by all practice employers, using the forms provided by Compliance and available on the Board's website.

e. Ms. Hevener shall practice only in a structured, supervised practice employment setting satisfactory to the Board for the first six months of probation. This employment setting shall provide on-site supervision by a professional nurse or licensed practical nurse, who works the same shift on the same level of the building, and holds an unrestricted license. For all current practice employment, and before beginning or changing practice employment during this period, Ms. Hevener shall have current and all prospective practice employers provide a written description of the employment setting to the Board office for approval.

f. For the first six months of practice employment after being placed on probation, Ms. Hevener shall not administer any Schedule II-V controlled substances, the Scheduled VI controlled substance Nubain, or any other controlled substances designated by the Board.

g. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends. Many of the required report forms are available on the Board's website for convenience.

h. Ms. Hevener shall inform the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. Hevener shall provide a contact name, address, and phone number for each practice employer to the Board.

i. Ms. Hevener shall inform all current and future practice employers that the Board has placed her on probation and Ms. Hevener shall provide each practice employer with a complete copy of this Order. If Ms. Hevener is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

j. Ms. Hevener shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board, Compliance, and any treatment providers, court-appointed probation or parole officers, and any consultants designated by the Board, if applicable.

k. Ms. Hevener shall submit "Self Reports" which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self Reports must be submitted whether Ms. Hevener has employment or not.

l. Ms. Hevener shall conduct herself as a licensed practical nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

m. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Hevener, and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

n. This Order is applicable to Ms. Hevener's multistate nursing licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms.

Hevener shall not practice outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the express written permission of both 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.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, 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

Certified True Copy

By [Signature]
Virginia Board Of Nursing

[Signature]
Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED: April 27th, 2017

SEEN AND AGREED TO:

[Signature]
Selena M. Hevener, L.P.N.

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

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this
18th day of April, 2017.

STEPHANIE MAE GAINES
NOTARY PUBLIC
REGISTRATION # 7513896
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
05-31-2020

[Signature]
Notary Public

My commission expires:

03-31-2020

Registration No.:

7513896