



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

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Virginia Board of Nursing
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

December 17, 2015

Karen M. Morris, R.N.
282 Walnut Ridge Drive
Forest, VA 24551

CERTIFIED MAIL
9414 7266 9904 2028 4480 74

RE: VA License No.: 0001-098310
Expiration Date: May 31, 2016

Dear Ms. Morris:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **January 12, 2016, at 10:30 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws and regulations governing professional nursing practice in Virginia.

Specifically:

1. You may have violated § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing in that during the course of your employment with Centra Virginia Baptist Hospital, Lynchburg, Virginia, you diverted medications for your personal and unauthorized use and falsified patient records, as evidenced by the following:

a. On or about August 6, 2014 at 1211 hours, you documented administering Percocet (oxycodone, C-II) to Patient A; however, the patient denied receiving said medication.

- b. On or about February 15, 2015 at 1053 hours, you withdrew Percocet for Patient B and at 1230 hours, you manually documented that the medication was administered at 1030 hours, which was prior to the time of withdrawal.
- c. On or about February 21, 2015 at 1418 hours, you withdrew Percocet for Patient C and at 1927 hours, you manually documented that it was administered at 1426 hours.
- d. On or about February 22, 2015 at 1258 hours, you withdrew Percocet for Patient C and at 1809 hours, you manually documented that it was administered at 1308 hours.
- e. On or about February 22, 2015 at 1325 hours, you withdrew two Percocet tablets for Patient D and at 1800 hours, you manually documented that the medication was administered at 1150 hours, which was prior to the time of withdrawal.
- f. On or about February 24, 2015 at 1212 hours, you withdrew Percocet for Patient E and at 1513 hours, you manually documented that the medication was administered at 1245 hours.
- g. On or about February 24, 2015 at 1218 hours, you withdrew Percocet for Patient F and at 1513 hours, you manually documented that the medication was administered at 1240 hours.
- h. On or about February 26, 2015 at 1340 hours, you withdrew two Percocet tablets for Patient F and manually documented that the medication was administered at 1342 hours and that the barcode would not scan.
- i. On or about February 27, 2015 at 1436 hours, you withdrew Percocet for Patient G and at 1917 hours, you manually documented that the medication was administered at 1440 hours.
- j. On or about March 5, 2015 at 1105 hours, you withdrew Percocet for Patient H and at 1547 hours, you manually documented that the medication was administered at 1210 hours.
- k. On or about March 14, 2015 at 1350 hours, you withdrew Percocet for Patient I and at 1535 hours, you manually documented that the medication was administered at 1405 hours.
- l. On or about March 15, 2015 at 1133 hours, you withdrew Percocet for Patient J and at 1711 hours, you manually documented that the medication was administered at 1100 hours, which was prior to the time of withdrawal.
- m. On or about March 26, 2015 at 1000 hours, you withdrew Percocet for Patient K and at 1657 hours, you manually documented that the medication was administered at 1100 hours.
- n. On or about March 26, 2015 at 1501 hours, you withdrew Percocet for Patient K and at 1658 hours, you manually documented that the medication was administered at 1510 hours.
- o. On or about March 14, 2015 at 0857 hours, you withdrew Percocet for Patient L and failed to document administration, waste or return to Accudose.

2. You may have violated § 54.1-3007(6) of the Code in that you may be unable to safely practice professional nursing due to substance abuse and/or mental illness, as evidenced by the following:

a. By your own admission, you diverted oxycodone from Virginia Baptist Hospital on occasions other than those referenced above by withdrawing two tablets and keeping one tablet for yourself and falsely documenting administration. You also obtained oxycodone from family members and friends and used it to deal with life stressors.

b. On or about March 26 and April 7, 2015, you tested positive for oxycodone, for which you did not have valid prescriptions.

Please see Attachment I for the names of the patients referenced above.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the agency subordinate will take that into consideration when making a recommendation in your case.

Board's Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a panel of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you fail to appear in person or by counsel at the informal conference, the recommendation of the agency subordinate will be presented to a panel of the Board. The Board may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by January 5, 2016. Your documents may not be submitted by facsimile or email.

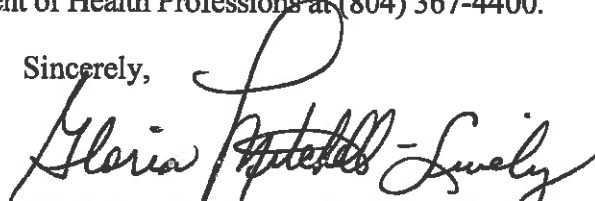
You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on January 12, 2016. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on January 5, 2016. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after January 5, 2016, will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office at (804) 367-4502.

In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. Please listen to television or radio announcements to provide information about official state closings or delays. If there is a delayed opening, hearings will begin at the time of the agency opening. A recorded announcement pertaining to closings or delays will also be available by calling the main telephone number for the Department of Health Professions at (804) 367-4400.

Sincerely,



Gloria D. Mitchell-Lively, R.N., M.S.N., M.B.A.
Deputy Executive Director

GML/sts
Enclosures

cc: Anne Joseph, Deputy Director, Administrative Proceedings Division
Tammie D. Jones, Adjudication Specialist
Laura Pezzulo, Senior Investigator (Case no. 163030)
Agency Subordinate