

Certified True Copy

By David E. Brown
Virginia Board of Nursing



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

October 2, 2014

Ashley Nicole Hensley
260 Little Duck Road
Nickelsville, VA 24271

CERTIFIED MAIL

DUPLICATE COPY
VIA FIRST CLASS MAIL

RE: License No.: 0001-231467

DATE 10/2/14

Dear Ms. Hensley:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered October 2, 2014. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

RECEIVED

OCT 02 2014

VA BD OF NURSING

Sincerely,

Jaime H. Hoyle, Esquire, Chief Deputy Director
Department of Health Professions

Enclosures
Case # 159460

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: ASHLEY NICOLE HENSLEY, R.N.
License No.: 0001-231467

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Jaime H. Hoyle, Esquire, Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that, by a Consent Order dated February 12, 2014, the Tennessee Board of Nursing accepted the voluntary surrender, in lieu of further disciplinary action, of the privilege of Ashley Nicole Hensley, R.N., to practice nursing through the Nurse Licensure Compact in the State of Tennessee. A certified copy of the Consent Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Ashley Nicole Hensley, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Ashley Nicole Hensley, R.N., will be recorded as suspended. Should Ms. Hensley seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



Jaime H. Hoyle, Esquire, Chief Deputy Director
Department of Health Professions

ENTERED: 10/2/14



COMMONWEALTH of VIRGINIA

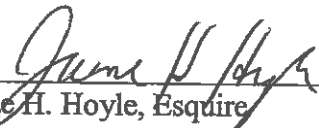
David E. Brown, D.C.
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CERTIFICATION OF DUPLICATE RECORDS

I, Jaime H. Hoyle, Esquire, Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Consent Order dated February 12, 2014, regarding Ashley Nicole Hensley, R.N., is a true copy of the records received from the Tennessee State Board of Nursing.



Jaime H. Hoyle, Esquire

Date: 10/2/14

BEFORE THE TENNESSEE BOARD OF NURSING

In The Matter of:

ASHLEY NICOLE HENSLEY
VIRGINIA R.N. License No. 1231467

Respondent

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Case No. 2013001251

CONSENT ORDER

The State of Tennessee, by and through the Office of General Counsel and the Respondent, Ashley Nicole Hensley, R.N., (Respondent) hereby stipulate and agree, subject to approval by the Tennessee Board of Nursing (Board), to the following:

I. Authority and Jurisdiction

The Board regulates and supervises nurses licensed to practice pursuant to Tennessee Code Annotated Section (TENN. CODE ANN. §) 63-7-101, *et seq.* (Code), including the discipline of licensees, as well as those who are required to be licensed, who violate the Code and the Rules promulgated by the Board, Official Compilation of Rules and Regulations of the State of Tennessee (TENN. COMP. R. & REGS.), 1000-01, *et seq.* (Rules).

Tennessee is a party state to the Interstate Nurse Licensure Compact. Pursuant to TENN. CODE ANN. § 63-7-302 Article III (b), "Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens." A party state may recover the costs of investigations and disposition of cases resulting from adverse action taken against the nurse and may issue cease and desist orders to limit or revoke a nurse's authority to practice in their state. TENN. CODE ANN. § 63-7-302 Article VI (a) and (c).



The Board enforces the Code and Rules to promote and protect the health, safety and welfare of the public; accordingly, it is the policy of the Board to require strict compliance with the law and to apply the law to preserve the quality of nursing care provided in Tennessee.

II. Stipulations of Fact

1. Respondent has been at all times pertinent hereto licensed by the Virginia Board of Nursing as a registered nurse, having been granted license number 1231467 on June 27, 2011, which currently has an expiration date of October 31, 2014. Respondent's Virginia registered nurse license is active and bears a multistate privilege to practice nursing in states which have entered into the Interstate Nurse Licensure Compact.
2. On or about November 10, 2013, while working as a registered nurse at Holston Valley Medical Clinic in Kingsport, Tennessee, on the multistate privilege afforded to Respondent by her Virginia nursing license, Respondent was observed to act impaired while on duty. She was observed to be unable to hold her head up, to be drowsy, and act strangely.
3. Respondent was asked to submit to a for cause urine drug screen, which produced positive results. On November 12, 2012 she submitted to a hair test to confirm the urine drug screen results. The hair test was positive for oxycodone. At the time of the test Respondent admitted to taking Percocet and Subutex from family members' prescriptions.
4. Respondent resigned from her position at Holston Valley Medical Center on November 26, 2012.

III. Stipulated Grounds for Discipline

5. The Stipulations of Fact are sufficient to establish that Respondent has violated the following statutes or rules, for which disciplinary action by the Board is authorized, TENN. CODE ANN. § 63-7-101, *et seq.* and TENN. COMP. R. & REGS., 1000-01-.01, *et seq.*
6. The facts stipulated in paragraphs two (2) and three (3) constitute a violation of TENN.

CODE ANN. § 63-7-302:

ARTICLE III – General Provisions and Jurisdiction.

- (b) Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.
- (c) Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.

ARTICLE V – Adverse Actions.

- (c) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state.
- (d) For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, it shall apply its own state laws to determine appropriate action.
- (e) The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action.

7. The facts stipulated in paragraphs two (2) and three (3) constitute a violation of TENN.

CODE ANN. § 63-7-115(a)(1):

- (C) Is unfit or incompetent by reason of negligence, habits or other cause;
- (F) Is guilty of unprofessional conduct.

8. The facts stipulated in paragraphs two (2) and three (3) constitute a violation of Rule 1000-01-.13(1) of the TENN. COMP. R. & REGS., which defines “unprofessional conduct,

unfitness or incompetency by reason of negligence, habits or other cause" as including, but not limited to:

- (g) Being under the influence of alcoholic beverages, or under the influence of drugs which impair judgment while on duty in any health care facility, school, institution or other work place location.

IV. Stipulated Disposition

9. For the purpose of avoiding further administrative action with respect to this cause, Respondent agrees to **VOLUNTARILY SURRENDER** her privilege to practice nursing in the State of Tennessee, beginning the effective date of this Order.

10. Respondent further agrees to **CEASE** and **DESIST** the practice of nursing in the State of Tennessee beginning the effective date of this Order.

11. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

V. Representations of Respondent

12. Respondent understands and admits the allegations, charges, and stipulations in this Order.

13. Respondent agrees that she has not received any threats or promises of any kind by the State or any agent or representative thereof, except such as is detailed herein.

14. Respondent understands the rights found in the Code, Rules, and the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 thru 4-5-404, including the right to a hearing, the right to appear personally and by legal counsel, the right to confront and to cross-examine witnesses who would testify against Respondent, the right to testify and to present

evidence on Respondent's own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, as well as the right to appeal for judicial review. Respondent voluntarily waives these rights in order to avoid further administrative action.


15. Respondent agrees that presentation of this Order to the Board and the Board's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members become prejudiced requiring their disqualification from hearing this matter should this Order not be ratified. All matters, admissions, and statements disclosed during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

16. Respondent also agrees that the Board may issue this Order without further process. If the Board rejects this Order for any reason, it will be of no force or effect for either party.


VI. Notice

17. This voluntary surrender is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB).

APPROVED FOR ENTRY:


Ashley Nicole Hensley
Virginia R.N. License No. 1231467
Respondent

1/1/2014
DATE



Johanna L. Barde (BPR # 030445)
Assistant General Counsel


Tennessee Department of Health
Office of General Counsel
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243
(615) 741-1611

2/12/14
DATE

Approval by the Board

Upon the agreement of the parties and the record as a whole, this **CONSENT ORDER** was approved as a **FINAL ORDER** by a majority of a quorum of the Tennessee Board of Nursing at a public meeting of the Board and signed this 12th day of February, 2014.

ACCORDINGLY, IT IS ORDERED that the agreements of the parties will, and hereby do, become the Final Order of the Board.



Chairperson/Acting Chairperson
Tennessee Board of Nursing

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Ashley Nicole Hensley, 260 Little Duck Road, Nickelsville, VA 24271 and 553 Pendleton Chapel Lane, Fort Blackmore, VA 24250, by delivering same in the United States regular mail and United States certified mail, number 7012 1640 0001 4645 7211, and 7012 1640 0001 4645 7228, return receipt requested, with sufficient postage thereon to reach its destination.

This 13th day of February, 2011.



Johanna L. Barde
Assistant General Counsel