

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CRYSTAL JAN BREEDEN, L.P.N.

ORDER

Pursuant to § 2.2-4020, § 2.2-4021, § 54.1-110 and § 54.1-2400(11) of the Code of Virginia (1950), as amended (the "Code"), a formal administrative hearing was held before the Board of Nursing (the "Board") on January 16, 2002, in Henrico County, Virginia, to receive and act upon evidence that Crystal J. Breeden, L.P.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. The case was presented by Tammie D. Hall, Senior Adjudication Analyst, Department of Health Professions. Howard M. Casway, Assistant Attorney General, was present as legal counsel for the Board. Ms. Breeden was not present and was not represented by 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. Crystal J. Breeden, L.P.N., holds License No. 0002-052398, issued by the Virginia Board of Nursing, which expires January 31, 2002.
2. Based upon the representations of Tammie D. Hall, Senior Adjudication Analyst, and Commonwealth's Exhibit #1, the presiding officer ruled that adequate notice was provided to Ms. Breeden and the hearing proceeded in her absence.
3. During the course of her employment with Eldercare Gardens, Charlottesville, Virginia:
 - a) By her own admission, from approximately August 1999 until May 2000, Ms. Breeden diverted oxycodone and hydrocodone medications (Schedule II controlled substances) for her personal and unauthorized use, and self-administered these medications. Ms. Breeden accomplished the diversion by signing out medications and

documenting them as being administered and keeping the medication for herself.

- b) On or about April 24, 2000, Resident A was ordered a 25mcg Duragesic patch (fentanyl, Schedule II). The instructions were to apply "one patch topically, change every three days, remove old patch first." During the month of May 2000, Ms. Breeden failed to change the patch as ordered. On several dates, Ms. Breeden documented the withdrawal and administration of a patch; however, the patch could not be located on the resident. Further, on several occasions Resident A was observed without a patch, and a day or two later, she was observed wearing a post-dated patch administered by Ms. Breeden.
 - c) On or about May 10, 2000, Ms. Breeden submitted a fraudulent order to the pharmacy to increase Resident A's Duragesic patch from 25mcg to 50mcg per Dr. Dandridge; however, Dr. Dandridge did not authorize the increase and was considering discontinuing the medication due to side effects the resident was experiencing.
 - d) On or about March 29, 2000, Resident B was ordered a 50mcg Duragesic patch. The instructions were to apply "one patch topically, change every three days, remove old patch first." During the month of May 2000, Ms. Breeden failed to change the patch as ordered, resulting in the resident experiencing severe back pain.
4. On or about June 1, 2000, Ms. Breeden entered a Participation Contract with the Health Practitioners' Intervention Program ("HPIP"). On or about December 8, 2000, the HPIP Committee granted her a stay of disciplinary action regarding the diversion from Eldercare Gardens. On or about April 20, 2001, the stay was vacated and Ms. Breeden was dismissed from the program, for failing to:
- a) return a signed Recovery Monitoring Contract;
 - b) attend 12-step meetings and/or Caduceus;

- c) call for or submit to urine drug screens;
- d) respond to telephone messages and written correspondence regarding her non-compliance; and
- e) submit monthly self-reports.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Board concludes that Crystal J. Breeden, L.P.N., has violated § 54.1-3007(2), (5), (6) and (8) of the Code of Virginia, (1950), as amended, and 18 VAC 90-20-300(A)(2)(c), (e) and (f) of the Board of Nursing Regulations.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that License No. 0002-052398 issued to Crystal J. Breeden, L.P.N., be, and hereby is, INDEFINITELY SUSPENDED for not less than two (2) years. At such time that Ms. Breeden petitions the Board for reinstatement of her license to practice practical nursing, a meeting will be convened to receive evidence satisfactory to the Board that she is able to resume the safe and competent practice of nursing.

Upon entry of this Order, the license of Crystal J. Breeden, L.P.N., will be recorded as suspended and no longer current. Consistent with the terms of this Order, in the event that Ms. Breeden seeks reinstatement of her license, 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 § 9-6.14:14 of the Code of Virginia (1950), as amended, 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.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Breeden has thirty (30) days from the service date in which to appeal this decision by filing, in writing, a Notice of Appeal with

Nancy K. Durrett, R.N., M.S.N., Executive Director, Board of Nursing, 6606 West Broad Street, Fourth Floor, Richmond, Virginia, 23230-1717. The service date shall be defined as the date Ms. Breeden actually received this decision or the date it was mailed to her, whichever occurred first. In the event this decision is served upon her by mail, three (3) days are added to that period.

FOR THE BOARD

Nancy K. Durrett
Nancy K. Durrett, R.N., M.S.N.
Executive Director for the
Board of Nursing

Entered: January 24, 2002

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing order was mailed this date to Crystal J. Breeden, L.P.N., at 261 Fourseasons Drive, Charlottesville, VA 22901.

Nancy K. Durrett
Nancy K. Durrett, R.N., M.S.N.
Executive Director for the
Board of Nursing

Date January 24, 2002