



# COMMONWEALTH of VIRGINIA

*Department of Health Professions*

*Board of Nursing*

Nancy K. Durrett, R.N., M.S.N.  
Executive Director  
nursebd@dhp.state.va.us

December 13, 2001

6606 West Broad Street, Fourth Floor  
Richmond, Virginia 23230-1717  
(804) 662-9909  
Nurse Aide Registry (804) 662-7310  
FAX (804) 662-9512  
TDD (804) 662-7197

Crystal J. Breeden, L.P.N.  
261 Fourseasons Drive  
Charlottesville, VA 22901

**CERTIFIED MAIL**

7106 4575 1294 3555 8159

RE: Notice of Formal Hearing  
January 16, 2002 at 9:30 a.m.  
License No. 0002-052398

Dear Ms. Breeden:

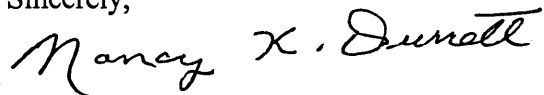
Enclosed please find a Notice of Hearing, which is scheduled for January 16, 2002 at 9:30 a.m. at the Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia. Arrangements should be made for you to be there at 9:00 a.m.

You have the right to have a copy of the investigative report and supporting documents, which may be used as evidence at your hearing. Please be advised that these documents have been forwarded to you under same cover via certified mail.

Prior to the hearing, it is the Board's intention to distribute these documents to the members of the Board who will conduct the hearing. If you have any objections to the materials, please contact Tammie Hall, Senior Adjudication Analyst at (804) 662-7084 before December 20, 2001. If you do not object to this proposed distribution before December 20, 2001, the Board will assume that you have no objection to the Board member's prior review of the documents. Failure to object to the distribution prior to the hearing will not affect your right to contest any information contained in these documents at the hearing. Further, to facilitate this hearing, the Board requests that you provide to Tammie Hall, Senior Adjudication Analyst, Administrative Proceedings Division, Department of Health Professions, 6606 West Broad Street, Richmond, Virginia 23230, twelve (12) copies of any documents you intend to introduce into evidence at least (10) business days before the hearing.

Please advise us whether or not you plan to be present for the hearing no later than December 20, 2001. If you should have any questions, please contact us at the above number.

Sincerely,

A handwritten signature in cursive script that reads "Nancy K. Durrett".

Nancy K. Durrett, R.N., M.S.N.  
Executive Director

Enclosures

cc: John W. Hasty, Director, Department of Health Professions  
Emily O. Wingfield, Assistant Attorney General  
Tammie D. Hall, Senior Adjudication Analyst  
Martha Miller, Investigator, Division of Enforcement (77443)  
Donna Whitney, Intervention Program Committee Coordinator

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**CRYSTAL J. BREEDEN, L.P.N.**

**NOTICE OF HEARING**

Pursuant to § 2.2-4020, 2.2-4021, § 54.1-110, and § 54.1-2400(11) of the Code of Virginia (1950), as amended, Crystal J. Breeden, L.P.N., is hereby given notice that, pursuant to § 2.2-4024(F), a formal administrative hearing will be held in the presence of a panel of the Board of Nursing ("the Board"). The hearing will be held on January 16, 2002, at 9:30 a.m., at the offices of the Department of Health Professions, (Southern States Building), 6606 West Broad Street, Fourth Floor, Richmond, Virginia, at which time Ms. Breeden will be afforded the opportunity to be heard in person or by counsel.

At the hearing Ms. Breeden has the following rights, among others: the right to representation by counsel, the right to have witnesses subpoenaed and to present witnesses on her behalf, the right to present documentary evidence and the right to cross-examine adverse witnesses. If Ms. Breeden desires any witnesses to appear on her behalf, she must notify the Director of the Administrative Proceedings Division, 6606 West Broad Street, Richmond, Virginia 23230-1717, giving the names and address of the witnesses, at least fifteen (15) days prior to the date of the hearing in order that subpoenas may be issued.

The purpose of the hearing is to receive and act upon evidence that Ms. Breeden may have violated certain laws and regulations governing the practice of nursing in Virginia, as more fully set forth in the Statement of Particulars below.

**STATEMENT OF PARTICULARS**

The Board alleges that Crystal J. Breeden, L.P.N., may have 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, in that:

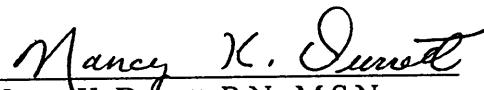
1. During the course of her employment with Eldercare Gardens, Charlottesville, Virginia:

- 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.

2. 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.

FOR THE BOARD



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

ENTERED: December 13, 2001