

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       ASHLEY L. BARBEAU, L.P.N.**  
**License No.: 0002-088558**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on October 20, 2015, in Henrico County, Virginia. Ms. Barbeau was present and was not represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Barbeau was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

**FINDINGS OF FACT**

1. Ashley L. Barbeau, L.P.N. was issued License No. 0002-088558 to practice practical nursing in Virginia on February 5, 2013. The license is scheduled to expire on December 31, 2016. Ms. Barbeau's primary state of residence is Virginia.
2. By letter dated September 21, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Barbeau notifying her that an informal conference would be held on October 20, 2015. The Notice was sent by certified and first class mail to 2337 Dock Landing Road, Chesapeake, Virginia 23321, the address of record on file with the Board of Nursing.
3. During the course of her employment with Plastic Surgery Associates of Tidewater,

Suffolk, Virginia, in January and February 2015, Ms. Barbeau stole sheets from a prescription pad belonging to her employer and forged the following prescriptions in her husband's name for her personal and unauthorized use:

a. On January 9, 2015, Ms. Barbeau forged and filled a prescription for 90 tablets of Percocet (oxycodone acetaminophen 325/20mg, C-II)

b. On January 29, 2015, Ms. Barbeau forged and filled a prescription for 60 tablets of Percocet.

c. On February 5, 2015, Ms. Barbeau forged and filled a prescription for five tablets of Valium 5mg (diazepam, C-IV) and she forged a prescription for 40 tablets of Dilaudid 2mg (hydromorphone, C-II).

4. As a result of these incidents, Ms. Barbeau's employment was terminated on February 10, 2015. Ms. Barbeau initially denied the allegations to her employer, then admitted only to a singular instance of diversion and denied others when confronted with one of the forged prescriptions. There are no pending legal charges against Ms. Barbeau related to the incident.

5. Ms. Barbeau has diagnoses for fibromyalgia syndrome, chronic generalized pain disorder, chronic sacroiliac joint pain, history of depression, and encounter for long-term use of high-risk medication. Ms. Barbeau has received pain management treatment at Bon Secours Neuroscience Center for Pain Management, Portsmouth, Virginia and Bon Secours Neuroscience Center for Pain Management, Virginia Beach, Virginia from November 2013 through the present.

6. At the informal conference, Ms. Barbeau admitted to all the allegations.

7. Ms. Barbeau stated that she was currently prescribed methadone 10mg twice a day, oxycodone 10mg three times a day, and paxil once at night. Ms. Barbeau stated that she had previously tried to manage her pain with yoga, physical therapy, and aquatic therapy without relief. Ms. Barbeau

stated that she would occasionally take her narcotic pain medication while at work.

8. Ms. Barbeau stated that she was not currently employed and was caring for her three young children. Ms. Barbeau stated that she wished to return to the nursing field and pursue her R.N. degree.

9. Ms. Barbeau stated that she had attempted to contact the Health Practitioners' Monitoring Program ("HPMP"), but was waiting on a return phone call from the intake case manager. Ms. Barbeau stated that she was interested in enrolling in the program.

### CONCLUSIONS OF LAW

1. Finding of Fact Nos 3(a) through 3(c) constitute a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact No. 5 constitutes a violation of 54.1-3007(6) of the Code.

### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Ashley L. Barbeau, L.P.N. is hereby REPRIMANDED.

2. The Board shall TAKE NO FURTHER ACTION contingent on the following conditions:

a. Within 60 days of the entry of this order, Ms. Barbeau shall provide proof of entry into the HPMP pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 et seq. of the Regulations Governing the HPMP.

b. Thereafter, Ms. Barbeau shall comply with all conditions and terms of the HPMP for the period of time specified by the HPMP.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ashley L. Barbeau, L.P.N., and an administrative proceeding shall be held to

decide whether her license should be revoked. Ms. Barbeau shall be noticed to appear before the Board at such time as the Board is notified that:

- a. Ms. Barbeau has failed to make application to the HPMP;
- b. Ms. Barbeau is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- c. There is a pending investigation or unresolved allegation against Ms. Barbeau involving a violation of law or regulation or any term or condition of this Order; or
- d. Ms. Barbeau has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Barbeau's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Barbeau's appearance before the Board and conduct an administrative review of this matter.

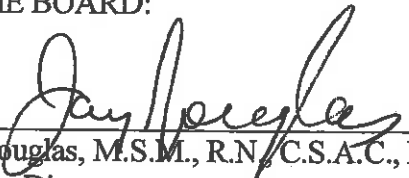
4. This Order is applicable to Ms. Barbeau's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Barbeau shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Barbeau wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

5. Ms. Barbeau shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to § 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Barbeau may, not later than 5:00 p.m., on March 16, 2016, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

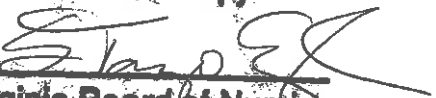
FOR THE BOARD:

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

ENTERED: February 10<sup>th</sup>, 2016

This Order shall become final on March 16, 2016, unless a request for a formal administrative hearing is received as described above.

**Certified True Copy**

By   
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**Virginia Board of Nursing**