

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**REGINA D. JOHNSON, R.N.
License No.: 0001-204959**

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 November 10, 2015, in Henrico County, Virginia. Ms. Johnson was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., 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. Johnson submitted written comments/objections.

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. Regina D. Johnson, R.N., was issued License No. 0001-204959 to practice professional nursing in Virginia on December 20, 2006. The license is scheduled to expire on December 31, 2016. Ms. Johnson's primary state of residence is Virginia.
2. By letter dated October 19, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Johnson notifying her that an informal conference would be held on November 10, 2015. The Notice was sent by certified and first class mail to 221 Turk Mountain Lane, Waynesboro, Virginia, 22980, the address of record on file with the Board of Nursing. Neither the signature card nor the Notice sent via certified mail was returned to the Board office. The Notice sent via first-class mail was not returned to the Board office. The Agency Subordinate concluded that adequate

notice was provided to Ms. Johnson and the informal conference proceeded in her absence.

3. During the course of her employment with Augusta Health, Fishersville, Virginia, by her own admission, in February 2015, Ms. Johnson diverted three 50-mg vials of Benadryl for her personal and unauthorized use.

4. Ms. Johnson stated in her interview with an investigator for the Department of Health Professions (“DHP”) that she injected herself with the diverted Benadryl with the intent of harming herself.

5. Ms. Johnson’s employment with Augusta Health, which began in 2005, was terminated in 2015 following this incident. In 2014, while employed at Augusta Health, Ms. Johnson had been investigated for diversion of Benadryl and suspended for two weeks.

6. Ms. Johnson self-reported her February 2015 diversion of the Benadryl to DHP. She stated that she saw a licensed clinical social worker after the incident and worked through some personal issues. She stated that the counselor said that she felt Ms. Johnson was “okay” and that she was no longer seeing the counselor. The counselor stated in her interview with the DHP investigator that she thought Ms. Johnson was safe to practice as a nurse.

7. The DHP investigator provided Ms. Johnson information about the Health Practitioners’ Monitoring Program, but Ms. Johnson stated to the investigator that she believed that she had to talk to the investigator before contacting the program. Ms. Johnson was not enrolled in the HPMP as of the date of the informal conference.

8. As of June 2015, Ms. Johnson was employed at the University of Virginia Hospital, where she was performing pre-anesthesia evaluations. She stated that she does not work with or administer any medications in her position. The hospital was aware of Ms. Johnson’s termination from Augusta Health for diversion.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-204959 of Regina D. Johnson, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Johnson shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Johnson shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. This suspension shall be STAYED upon proof of entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Ms. Johnson shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
 - b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Johnson, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

- i. Ms. Johnson is not in compliance with the terms and conditions specified by the HPMP;
- ii. Ms. Johnson's participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms. Johnson involving a violation of law, regulation, or any term or condition of this order.

6 Upon receipt of evidence of Ms. Johnson's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Johnson's appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. This Order is applicable to Ms. Johnson's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Johnson 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. Johnson wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

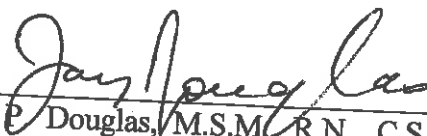
8. Ms. Johnson shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

Since Ms. Johnson failed to appear at the informal conference, this Order shall be considered final. Ms. Johnson has the right to appeal this Order directly to the appropriate Virginia circuit court. As

provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Johnson has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD



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

Entered: February 11th, 2016

Certified True Copy



By _____
Virginia Board of Nursing.