

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KELLY MATTHEWS, R.N.
License No.: 0001-229928

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 September 23, 2015, in Henrico County, Virginia. Kelly Matthews, R.N., was not present nor was she represented by legal counsel. Allison Gregory, M.S., R.N., F.N.P.-B.C., 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. Matthews 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. Kelly Matthews, R.N., was issued License No. 0001-229928 to practice professional nursing in Virginia on April 5, 2011. The license expired on July 31, 2015. Ms. Matthews' primary state of residence is Virginia.
2. By letter dated September 2, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Matthews notifying her that an informal conference would be held on September 23, 2015. The Notice was sent by certified and first class mail to 631 Mill Landing Road, Chesapeake, Virginia 23322, the address of record on file with the Board of Nursing. According to the

United States Postal Service, the Notice sent by certified mail was not delivered, but a notice was left on September 18, 2015. As of September 23, 2015, the Notice sent by first class mail had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Matthews and the informal conference proceeded in her absence.

3. Between November 21, 2014, and December 5, 2014, during the course of her employment with Sentara Norfolk General Hospital, Ms. Matthews diverted oxycodone, oxycodone/APAP (C- II), morphine (C-II), and hydrocodone/APAP (C-II) for her own personal and unauthorized use, as evidenced by the following:

a. On November 21, 2014, Ms. Matthews pulled 1ml of morphine from the Omnicell at 0909 hours for Patient A, and at 1215, she cancelled the entry. On November 22, 2014, at 1259, Ms. Matthews pulled two tablets of oxycodone/APAP 5-325mg from the Omnicell for Patient A, but failed to document the administration and/or wastage of the medication.

b. On November 22, 2014, Ms. Matthews pulled two tablets of oxycodone from the Omnicell at 1044 for Patient B. Ms. Matthews failed to document administration and/or wastage of the medication.

c. On November 24, 2014, Ms. Matthews pulled two tablets of oxycodone 5mg from the Omnicell at 1507 for Patient C. Ms. Matthews failed to document administration and/or wastage of the medication.

d. On November 24, 2014, Ms. Matthews pulled two tablets of oxycodone/APAP 7.5-325mg from the Omnicell at 1830 for Patient D. Ms. Matthews failed to document administration and/or wastage of the medication.

e. On November 28, 2014, Ms. Matthews pulled two tablets of oxycodone/APAP 7.5-325mg from the Omnicell at 0927 for Patient E, who was not her assigned patient. Ms. Matthews failed to document administration and/or wastage of the medication.

f. On November 28, 2014, Ms. Matthews pulled two tablets of oxycodone 5mg from the Omnicell at 0940 for Patient F, who was not her assigned patient. Ms. Matthews failed to document administration and/or wastage of the medication.

g. On November 30, 2014, Ms. Matthews pulled three tablets of oxycodone/APAP 7.5-325mg from the Omnicell at 1507 for Patient G. Ms. Matthews failed to document administration and/or wastage of two of the tablets.

h. On December 2, 2014, Ms. Matthews pulled two tablets of hydrocodone/APAP 5-325mg from the Omnicell at 1535 for Patient H. Ms. Matthews failed to document administration and/or wastage of the medication.

i. On December 5, 2014, Ms. Matthews pulled two tablets of oxycodone 5mg from the Omnicell at 0938 for Patient I. Ms. Matthews failed to document the administration and/or wastage of the medication.

4. On December 18, 2014, Ms. Matthews' employment with Sentara Norfolk General Hospital was terminated for failing to follow the proper handling of narcotics.

5. While employed with Chesapeake General Hospital, Ms. Matthews was disciplined for violation of the medication wastage policy. On September 9, 2014, Ms. Matthews was allowed to resign in lieu of termination.

6. Ms. Matthews was referred to a pain management specialist by her primary care provider. During her appointment with the pain management specialist on December 2, 2013, Ms. Matthews refused to take a urine drug screen. The physician stated in a letter to the primary care

provider that he told Ms. Matthews that since she refused to participate in the practice's drug screening protocol, which every patient must perform, they would not continue with her care.

7. By letter dated December 4, 2013, Ms. Matthews' primary care provider advised that the practice would no longer prescribe controlled substances to her.

8. From January 8, 2014 through January 8, 2015, Ms. Matthews was prescribed amphetamine salt combo, alprazolam, oxycodone, and hydrocodone from eight different prescribers.

9. Ms. Matthews did not respond to requests from the Department of Health Professions' investigator for an interview.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3(a) through 3(i) constitutes a violation of violated § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

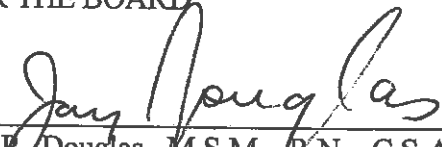
1. The right of Kelly Matthew, R.N., to renew License No. 0001-229928 to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Matthews shall petition the Board for reinstatement 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. Matthews 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.

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. Matthews failed to appear at the informal conference, this Order shall be considered final. Ms. Matthews 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. Matthews has 30 days from the date of service (the date she 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 days are added to that period.

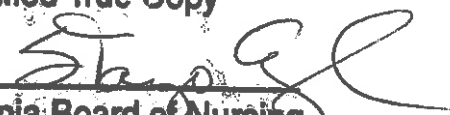
FOR THE BOARD



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