

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**HOLLY D. HICKS, L.P.N.
License No.: 0002-073111**

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. Holly D. Hicks, L.P.N., was present and was not 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. Hicks 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. Holly D. Hicks, L.P.N., was issued License No. 0002-073111 to practice practical nursing in Virginia on March 10, 2006. The license is scheduled to expire on April 30, 2017. Ms. Hicks' 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. Hicks notifying her that an informal conference would be held on November 10, 2015. The Notice was sent by certified and first class mail to 14563 Five Forks Road, Windsor, Virginia, 23487, the address of record on file with the Board of Nursing.
3. On June 4, 2014, the Board entered a Consent Order affecting Ms. Hicks' license to practice practical nursing ("Board's Order"). Specifically, Term No. 1 of the Order took no action against

Ms. Hicks' license contingent upon her compliance with the Health Practitioners' Monitoring Program ("HPMP") for the period specified by the HPMP. This Order was based on findings that during the course of her employment with Sentara Obici Hospital, Suffolk, Virginia, in November 2013, Ms. Hicks practiced nursing while under the influence of alcohol.

4. On March 6, 2015, Ms. Hicks submitted a letter of resignation from the HPMP. At the time of her resignation, she was in compliance with the program. At the informal conference, she stated that she resigned because she did not want to commit to the program's five-year duration.

5. Ms. Hicks completed 30 days at Farley Center, a residential treatment center, in 2014 and an aftercare program in February 2015. Ms. Hicks currently sees a psychiatrist for medication management once a month and her therapist approximately twice a month. Ms. Hicks stated that she attends Alcoholics Anonymous meetings four times a week and has a sponsor. Two of Ms. Hicks' current treatment providers stated she was safe to practice as long as she is monitored to ensure that she remains sober.

6. Ms. Hicks is currently employed with Canon, a copier company, in a non-nursing role.

7. Ms. Hicks stated that she wants to re-enter HPMP because she realized that she did love being a nurse.

8. Ms. Hicks stated at the informal conference that her sobriety date was August 26, 2015. She had been sober for some time before that date, but after a stressful day at a new job, she bought and drank two hard lemonades.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code and Term No. 1 of the Board's Order.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-073111 of Holly D. Hicks L.P.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Hicks 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 practical nursing. Ms. Hicks 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 practical 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. Hicks shall comply with all terms and conditions 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. Hicks, 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. Hicks is not in compliance with the terms and conditions specified by the HPMP;
 - ii. Ms. Hicks' participation in the HPMP has been terminated;
 - iii. There is a pending investigation or unresolved allegation against Ms. Hicks involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Hicks' participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Hicks' 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. Hicks' multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Hicks 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. Hicks wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.


8. Ms. Hicks is hereby REPRIMANDED.

9. Ms. Hicks 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. Hicks may, not later than 5:00 p.m., on **March 15, 2016**, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he/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:


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

ENTERED: February 11th, 2016

This Order shall become final on **March 7, 2016**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing.