

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Holly D. Hicks, L.P.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Hicks' license to practice practical nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Holly D. Hicks, L.P.N., was issued License No. 0002-073111 to practice practical nursing by the Virginia Board of Nursing on March 10, 2006. Said license is set to expire on April 30, 2015. Her primary state of residence is Virginia.
2. During the course of her employment as a practical nurse with the Sentara Obici Hospital, Suffolk, Virginia, on November 3, 2013, Holly D. Hicks left work then returned with the smell of alcohol on her breath. She was asked to take a breathalyzer and a urine drug screen. The result of the two breathalyzers resulted in a Blood Alcohol Concentration ("BAC") of .086 and .087 respectively, and the urine drug screen had a positive result for THC.
3. In an interview with the Department of Health Professions' investigator, Ms. Hicks stated that when she left work on an authorized break, she consumed alcohol. She admitted to being impaired while she was at work.
4. Ms. Hicks signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on November 14, 2013. She signed a Recovery Monitoring Contract with the HPMP on January

6, 2014. On January 3, 2014, Ms. Hicks entered into an Intensive Outpatient Program with Finney Psychotherapy Associates, LLC, Norfolk, Virginia. She was successfully discharged on February 4, 2014 with a discharge diagnosis of alcohol abuse, early remission and cannabis dependence, early remission. Ms. Hicks has been attending three Alcoholics Anonymous meetings a week and is to attend two Caduceus meetings a month. She is currently seeing a counselor once a month.

5. Ms. Hicks was reported for noncompliance with her HPMP contract on March 17, 2014, for a positive alcohol screen on March 5, 2014. Ms. Hicks admitted to relapsing on alcohol on that date and on March 13, 2014. She has been placed on pre-dismissal status, but is currently in compliance.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No 2 constitutes a violation of § 54.1-3007(5) of the Code of Virginia (1950), as amended ("Code").
2. Findings of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(6) of the Code.

CONSENT

Holly D. Hicks, L.P.N., by affixing, her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;

5. She admits to the Findings of Fact and Conclusions of Law contained herein waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. She consents to the entry of the following Order affecting her right to practice practical nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board shall TAKE NO ACTION at this time contingent on Holly D. Hicks' compliance with the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Hicks, and an administrative proceeding shall be held to determine whether her license shall be revoked. Ms. Hicks shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Ms. Hicks is not in compliance with the terms and conditions specified by the HPMP;
 - b. Ms. Hicks' participation in the HPMP has been terminated;
 - c. 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.
 - d. Ms. Hicks has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Hicks' participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Hicks' appearance before the Board and conduct an administrative review of this matter.
3. 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.

4. 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 §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD

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

ENTERED: June 4, 2014

SEEN AND AGREED TO:

Holly D. Hicks

Holly D. Hicks, L.P.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF James City County, TO WIT:

Subscribed and sworn to before me, Mildred Ann Robinson a Notary Public, this 19 day of May, 2014.

My commission expires 8/31/2017.

Registration Number 7550332.

Mildred Ann Robinson

NOTARY PUBLIC



Certified True Copy

By [Signature]
Virginia Board of Nursing