

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:        AMY D. COOKE, L.P.N.  
              License No.: 0002-086927**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on March 24, 2016, in Henrico County, Virginia, to inquire into evidence that Amy D. Cooke, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Amy D. Cooke, L.P.N., was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Amy D. Cooke, L.P.N., was issued License No. 0002-086927 to practice practical nursing by the Virginia Board of Nursing on April 25, 2012. Said license was summarily suspended by Order of the Board entered February 10, 2016. Her primary state of residence is Virginia.
2. During the course of her employment at Continuum Pediatric Nursing Services, Chesapeake, Virginia:
  - a. On October 8, 2015, while assigned to provide care to a minor patient diagnosed with cytomegalovirus and cerebral palsy and who has a tracheostomy and gastrostomy tube, Ms. Cooke was observed to have slurred speech and repeatedly nodded off. Further, when attempting to perform her normal nursing duties, Ms. Cooke had difficulty with her coordination and failed to flush the patient's feeding pump with the appropriate amount of water.

b. In September 2015, Ms. Cooke stole hydrocodone (C-II) tablets from a client's home for her personal and unauthorized use.

c. Ms. Cooke's employment was suspended on October 8, 2015, and on October 10, 2015, she resigned in lieu of termination.

3. Ms. Cooke testified that she has abused opiates since March 2015.

4. On October 8, 2015, Ms. Cooke consumed two Ultram (tramadol, C-IV) and three hydrocodone tablets prior to her shift.

5. A urine drug screen conducted on November 3, 2015, was positive for hydrocodone and hydromorphone, for which Ms. Cooke did not have valid prescriptions.

6. Ms. Cooke is prescribed Trazodone and Celexa by her primary care physician for treatment of depression; she has not entered substance abuse treatment.

7. Ms. Cooke stipulated to all of the allegations in the Statement of Particulars.

8. Ms. Cooke told the Board she takes full responsibility for the mistakes she made.

9. At the hearing, Ms. Cooke testified that she currently attends Narcotics Anonymous meetings two or three times per week, but has not had any other treatment. She stated that her date of sobriety is October 17, 2015.

10. Ms. Cooke told the Board that she would be willing to participate in the Health Practitioners' Monitoring Program.

### CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2(a) constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Finding of Fact No. 2(b) constitutes a violation of § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations.

3. Findings of Fact Nos. 3, 4 and 5 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0002-086927 issued to Amy D. Cooke, L.P.N., to practice practical nursing in the Commonwealth of Virginia is CONTINUED on INDEFINITE SUSPENSION.
2. The license of Amy D. Cooke, L.P.N., will be recorded as SUSPENDED and no longer current. Should Ms. Cooke seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.
3. At such time as Ms. Cooke shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of practical nursing.
4. This Order shall be applicable to Ms. Cooke's multistate licensure privileges, if any, to practice practical nursing.
5. Said suspension shall be STAYED upon proof that Amy D. Cooke, L.P.N., has entered into the Health Practitioners' Monitoring Program ("HPMP") and upon the condition that she remain compliant with the terms of the HPMP and the following terms and conditions:
  - a. Ms. Cooke 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 Amy D. Cooke, L.P.N., and an administrative proceeding shall be held to decide 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. Cooke is not in compliance with the terms and conditions specified by the HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

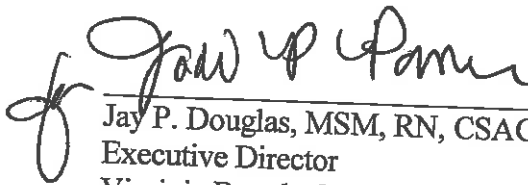
6. Upon receipt of evidence of Ms. Cooke's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Cooke's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted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

7. This Order shall be applicable to Ms. Cooke's multistate licensure privileges, if any, to practice practical nursing. It is further ordered that for the duration of this Order, Ms. Cooke may 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 she wishes to work.

8. Ms. Cooke 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 on request.

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

April 12, 2010

ENTERED

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By   
Virginia Board Of Nursing