

VIRGINIA:

BEFORE THE BOARD OF NURSING

RE: TERRI LATRICE MALLORY, L.P.N.

ORDER

Pursuant to § 9-6.14:12 and § 54.1-2400(11) of the Code of Virginia (1950), as amended (the "Code"), a formal administrative hearing was held before a panel of the Board of Nursing (the "Board") on July 23, 1998, in Henrico County, Virginia, to receive and act upon evidence that Terri Latrice Mallory, L.P.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. The case was presented by Ann L. Tiller, Senior Legal Assistant, Administrative Proceedings Division. Howard M. Casway, Assistant Attorney General, was present as legal counsel for the Board. Ms. Mallory was not 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. Terri Latrice Mallory, L.P.N., holds License No. 0002-047693 issued by the Virginia Board of Nursing.
2. By Order entered April 18, 1996, Ms. Mallory was placed on probation for a period of two (2) years of employment as a practical nurse, subject to certain terms and conditions, based on the results of a drug screen positive for cocaine metabolites, and her chemical abuse. Ms. Mallory has failed to comply with the terms and conditions of her probation:
 - a) Ms. Mallory failed to submit Nursing Performance Evaluation reports for the June

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- 1997, September 1997 and December 1997 quarters in a timely manner as required by Term Nos. 2 and 6.
- b) Ms. Mallory failed to submit required Narcotics Anonymous sponsor reports for the June 1996, March 1997, June 1997, September 1997 and December 1997 and March 1998 quarters in a timely manner as required by Term Nos. 2 and 10.
 - c) Ms. Mallory failed to submit quarterly drug screen reports for the June 1996, September 1996, September 1997 and December 1997 quarters as required by Term Nos. 2 and 9. Further, drug screens submitted for the December 1996 and March 1997 quarters failed to include testing for alcohol.
 - d) A drug screen submitted on November 18, 1996, was positive for cocaine, in violation of Term No. 11.
 - e) A drug screen submitted on March 10, 1997, was positive for benzodiazepines, in violation of Term No. 11. This positive was a result of Ms. Mallory taking Valium prescribed by her dentist, whom she had not informed of her probationary status, and whom she did not instruct to notify the Board at the time the prescription was written.
 - f) A drug screen submitted on January 22, 1998, was positive for propoxyphene, in violation of Term No. 11. On February 12, 1998, Calvin Thigpen, M.D., reported to the Board, "Patient permitted to take Darvocet for pain." This was noted on a prescription blank, although no actual prescription was written, no instruction on where the medication was to be obtained was given, and no further instructions regarding number of tablets allowed or dosage of this medication were noted.

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3. On September 23, 1996, Ms. Mallory was discharged from treatment with District #19 Community Services Board due to sporadic attendance. On November 13, 1996, Ms. Mallory began attending a women's outpatient group from which she was discharged on November 18, 1996, based on a drug screen positive for cocaine. On December 26, 1996, she entered chemical dependency treatment at Turning Point, Petersburg, Virginia. Ms. Mallory successfully completed this program and was discharged on January 23, 1997.
4. On February 19, 1997, a Committee of the Board met to consider Ms. Mallory's relapse on cocaine and her treatment history. The Committee decided to take no action against her license at that time, but reserved the right to revisit the matter if she failed to comply fully with the terms of her probation.
5. By her own admission, on or about May 2, 1997, Ms. Mallory failed to document a physician's order for, and her administration of, Valium to Patient A until she made a late entry in the nurses notes on May 3, 1997, after being confronted by the Director of Nursing. However, Ms. Mallory documented the withdrawal of a Valium injectable for Patient A from the Emergency Box on May 2, 1997. The patient subsequently expired.
6. On July 8, 1997, the Board considered Ms. Mallory's medication errors, and decided to take no action against her license at that time, but reserved the right to revisit this matter if she failed to comply fully with the terms of her probation.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes that Terri Latrice Mallory, L.P.N., has violated Term Nos. 2, 6, 9, 10, 11 and 14 of the Order entered April 18, 1996.

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ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that License No. 0002-047693, issued to Terri Latrice Mallory, L.P.N., to practice practical nursing in the Commonwealth of Virginia, be and hereby is REVOKED.

Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, 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.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Mallory has thirty (30) days from the service date in which to appeal this decision by filing a Notice of Appeal with Nancy K. Durrett, R.N., M.S.N., Executive Director, Board of Nursing, 6606 W. Broad Street, Fourth Floor, Richmond, Virginia 23230-1717. The service date shall be defined as the date Ms. Mallory actually received this decision or the date it was mailed to her, whichever occurred first. In the event this decision is served upon her by mail, three (3) days are added to that period.

FOR THE BOARD

for 

Nancy K. Durrett, R.N., M.S.N.
Executive Director

August 6, 1998

ENTERED

TERRI LATRICE MALLORY, L.P.N.

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Terri Latrice Mallory, L.P.N., at 1416 Grant Avenue, Petersburg, Virginia 23803.

for *M. Teresa Mullin*
Nancy K. Durrett, R.N., M.S.N.
Executive Director for the
Board of Nursing

August 6, 1998
DATE