

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

ORDER

Pursuant to § 9-6.14:11 and §54.1-3010 of the Code of Virginia (1950), as amended (the "Code"), a Special Conference Committee of the Board of Nursing met on April 10, 1996, in Henrico County, Virginia, to receive and act upon evidence that Terri L. Mallory, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in Virginia. Ms. Mallory was present and was represented by William H. Parcell, III, Esquire. Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusion of Law.

FINDINGS OF FACT

1. Terri L. Mallory, L.P.N., holds License No.0002-047693 issued by the Virginia Board of Nursing.
2. During the course of Ms. Mallory's employment with Forest Hill Convalescent Center, Richmond, Virginia,
  - a. By Ms. Mallory's own admission to the Department of Health Professions' investigator, she had been using marijuana, alcohol and cocaine, and that use had been increasing.
  - b. By Ms. Mallory's own admission, she had self-administered Tylenol #3, a Schedule III controlled substance, twice daily, since June 1995. Further, by Ms. Mallory's own admission, she self-administered Tylenol #3 from a family member's prescription.
  - c. On August 2, 1995, Ms. Mallory submitted to a drug screen which yielded

positive results for cocaine metabolite and opiates and, as a result, her employment was terminated.

3. In Ms. Mallory's September 7, 1995 telephone message to this Department's investigator, she reported she had been attending recovery meetings and had been sober for thirty (30) days.
4. In Ms. Mallory's September 29, 1995 interview with this Department's investigator, she reported she had been attending Narcotics Anonymous ("NA") meetings twice weekly.
5. In Ms. Mallory's October 11, 1995 interview with this Department's investigator, she admitted she had resumed the use of alcohol and that she had a substance abuse problem.
6. Ms. Mallory reported she has been drug free, except for the use of alcohol, since the end of January 1996.
7. Ms. Mallory reported she attends Narcotics Anonymous ("NA") three (3) times a week.
8. Ms. Mallory is currently in a therapeutic relationship with a counselor Sherry Rouser of Greenville-Emporia Counseling Services ("District 19").
9. As of February of 1996, Ms. Mallory has been employed as a Licensed Practical Nurse at Battlefield Park Convalescent Center, Petersburg, Virginia.

#### **CONCLUSION OF LAW**

Based upon the foregoing Findings of Fact, the Board concludes that Terri L. Mallory, L.P.N., Has violated § 54.1-3007(2), (5) and (6) of the Code of Virginia (1950), as amended, and § 4.1(A)(2)(c) of the Regulations of the Virginia Board of Nursing.

#### **ORDER**

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that Terri L. Mallory, L.P.N., be placed on PROBATION subject to

the following terms and conditions:

1. The period of probation shall begin on the date that this Order is final and shall end upon completion of two (2) years of employment as a Licensed Practical Nurse.
2. All written reports required by this Order shall be sent to the Board office with the first report being received no later than thirty (30) days following the date that this Order is final. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.
3. Ms. Mallory shall inform her nursing employer and each future nursing employer that the Board has placed her on probation and shall provide her employer with a copy of this Order. If, at any time, Ms. Mallory is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
4. Ms. Mallory shall practice nursing only in a structured, supervised employment setting satisfactory to the Board for the first six (6) months. This employment setting shall provide on-site supervision by a Registered Nurse or Medical Doctor or Licensed Nurse Practitioner and who holds an unrestricted license. Before changing employment, Ms. Mallory shall have her prospective employer provide a written description of the structured, supervised employment setting to the Board office for approval.
5. Ms. Mallory shall inform the Board in writing within ten (10) days of any change of employment including the name and address of the new employer as well as the date she began employment. Ms. Mallory shall inform the Board in writing within ten (10) days of any interruption in nursing practice.
6. Ms. Mallory shall direct her nursing employer to provide written nursing performance evaluations to the Board as stated in term number 2.

7. Ms. Mallory shall continue in treatment until discharged and will direct the therapist to provide the Board with written progress reports as stated in term number 2. The therapist shall provide a written discharge summary when appropriate. Ms. Mallory shall provide the therapist with a copy of this Order and authorize the therapist to communicate with the Board's representatives concerning her progress.
8. Ms. Mallory shall direct the therapist to notify the Board if she withdraws from the treatment program before being discharged.
9. Ms. Mallory shall be required to have supervised, unannounced drug screens to include alcohol and have all results sent to the Board as stated in term number 2. The Board shall be notified immediately in writing of any positive results or if Ms. Mallory refuses to give a specimen for analysis as required by this Order.
10. Ms. Mallory shall continue to be active in Narcotics Anonymous with written reports of attendance by a sponsor or contact person sent to the Board as stated in term number 2.
11. Ms. Mallory shall not use alcohol and other mood altering chemicals except as prescribed by a physician with whom she has established a genuine physician/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any medication such as a narcotic, depressant, tranquilizer, analgesic or stimulant, a written report from the prescribing physician shall be provided to the Board within ten (10) days of the date of the prescription.
12. Written reports shall be provided by Ms. Mallory which will include her current address and current employment, if any. These reports shall be sent to the Board office as stated in term number 2.
13. Ms. Mallory shall return all copies of her current license to practice practical nursing to

the Board office within ten (10) days of the date of entry of this Order. Upon receipt of the old license and a \$15.00 fee, the Board shall issue a new license marked PROBATION WITH TERMS.

14. Ms. Mallory, as a Licensed Practical Nurse shall conduct herself in compliance with the requirements of Title 54.1, Chapter 30 of the Code of Virginia (1950), as amended, and the Board of Nursing Regulations.

Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Mallory, and a hearing shall be held to decide whether her license shall be revoked.

The Board shall issue an unrestricted license to Ms. Mallory without a hearing at the completion of the probationary period unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia (1950), as amended.

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 inspections or copying on request.

If Ms. Mallory does not consent to the committee's decision and desires a hearing before the Board or a panel thereof, she shall notify, in writing, Nancy K. Durrett, R.N., M.S.N., Executive Director, Board of Nursing, 6606 W. Broad Street, Fourth Floor, Richmond, Virginia 23230-1717 within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three-day period unless a written request for a

formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or panel thereof shall then proceed with a hearing as provided in §9-6.14:12 of the Code of Virginia (1950), as amended.

FOR THE BOARD

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

April 18, 1996  
ENTERED

Received: April 19, 1996

By: John W. Hasty  
John W. Hasty, Director  
Department of Health Professions

Certificate of Service

I hereby certify that a certified true copy of the foregoing Order was mailed on this day to Terri L. Mallory at 1416 Grant Avenue, Petersburg, Virginia 23803 and to William H. Parcell, III, Esq., 4825 Radford Avenue, Suite 201, Richmond, Virginia 23230.

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

April 24, 1996  
Date