

0001-201578

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

SARA J. HESS, R.N.

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 June 21, 2011, in Henrico County, Virginia. Sara J. Hess, R.N., was present and was not represented by legal counsel. Janet Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 20, 2011, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Hess 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. Sara J. Hess, R.N., was issued License No. 0001-201578 to practice professional nursing in Virginia on June 26, 2006. The license is scheduled to expire on May 31, 2012. Her primary state of residence is Virginia.
2. By letter dated June 2, 2011, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Hess notifying her that an informal conference would be held on June 21, 2011. The Notice was sent by certified and first class mail to 1030 Gardenview Loop, Unit 204, Woodbridge, Virginia 22191, the address of record on file with the Board of Nursing.
3. During the course of her employment as an Army nurse at Walter Reed Army Medical Center, Washington, D.C., in 2007, by her own admission, Ms. Hess diverted narcotic medications from

hospital supplies for her own personal and unauthorized use. She was allowed to resign from the Army in lieu of court martial.

4. Ms. Hess voluntarily entered into the Health Practitioners' Monitoring Program ("HPMP") in September, 2009, at which time she acknowledged that she may be unable to safely practice professional nursing due to alcohol and/or substance abuse and or mental illness and/or physical illness. She entered HPMP long before the Army reported her diversion of narcotics to the Board in January 2011.

5. Ms. Hess was placed on pre-dismissal status with HPMP in January 2011 after several instances of failing to check in to determine whether she was required to submit to drug screening. She was dismissed from HPMP on April 29, 2011, after relapsing on Ambien (Zolpidem tartrate, Schedule IV) and failing to participate in treatment as recommended by her case manager.

6. Ms. Hess stated at the informal conference that her date of sobriety was February 20, 2011. She attends AA or NA meetings at least once a day, and sometimes two or three times a day. She has a sponsor with whom she meets frequently. She sees her psychiatrist one time per month and attends counseling through the Prince William County Community Services Board three times per week. She is not currently working. She acknowledged that she was still fairly new to recovery and stated that she understood that she could not work as a nurse at this time. She expressed a desire to re-enter HPMP.

CONCLUSIONS OF LAW

1. Finding of Fact #3 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.
2. Findings of Fact Nos. 4 and 5 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION contingent on the following conditions:
 - a. Sara J. Hess, R.N., shall re-enter the Health Practitioners' Monitoring Program within 60 days of the date of entry of this Order.
 - b. Thereafter, Ms. Hess shall comply with all terms and conditions of 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. Hess, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Hess shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. She has failed to make application to the HPMP;
 - b. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - c. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or
 - d. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Hess' participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.
3. This Order is applicable to Ms. Hess' multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Hess 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 she wishes to work. Any requests for out of state employment should be directed, in writing, to

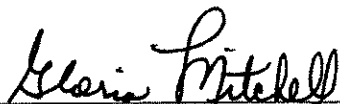
the Executive Director of the Board.

4. Ms. Hess shall maintain a course of conduct in her capacity as a professional 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. Hess may, not later than 5:00 p.m., on September 2, 2011, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that 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:


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

ENTERED: August 1, 2011

This Order shall become final on September 2, 2011, unless a request for a formal administrative hearing is received as described above.