

0001167924

VIRGINIA

BEFORE THE BOARD OF NURSING

IN RE:

TERRY D. LUCERO

ORDER

Pursuant to § 9-6.14:11 and § 54.1-110 of the Code of Virginia (1950), as amended, (the "Code"), an informal conference was held before a Special Conference Committee of the Board of Nursing (the "Committee") on February 28, 2000 in Henrico County, Virginia, to receive and act upon the application of Terry D. Lucero for licensure by examination to practice as a professional nurse in the Commonwealth of Virginia. Ms. Lucero was present and was not represented by counsel.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Facts and Conclusions of Law.

FINDINGS OF FACT

1. By application received December 8, 1999, Terry D. Lucero applied for licensure by examination as a Registered Nurse in the Commonwealth of Virginia.
2. On or about May 27, 1980, Ms. Lucero was convicted of grand larceny in the Circuit Court for the City of Portsmouth, Portsmouth, Virginia, and on or about August 11, 1980, she was sentenced to two (2) years in prison.
3. On or about February 2, 1993, Ms. Lucero was arrested for stealing six (6) saw blades from Huskey's Hardware, Newport News, Virginia, on or about December 7, 1992.
4. On or about December 1, 1993, in the Circuit Court of the City of Chesapeake, Chesapeake, Virginia, Ms. Lucero was sentenced to five (5) years in prison for grand larceny, a felony.

Terry D. Lucero

Her sentence was suspended upon terms and conditions, to include: supervised probation for an indeterminate period, participation in a drug treatment program, remaining drug free during the period of probation, and completion of a residential drug treatment program.

5. On or about December 6, 1993, Ms. Lucero was found guilty of misdemeanor petit larceny in Newport News General District Court, Newport News, Virginia. She was sentenced to twelve (12) months in jail, suspended, and ordered to pay fines and costs of \$46.00.
6. On or about March 9, 1994, in the Circuit Court of the County of Isle of Wight, Isle of Wight, Virginia, Ms. Lucero pled guilty to being an accessory after the fact to grand larceny, a misdemeanor. On or about April 27, 1994, she was sentenced to twelve (12) months in jail, suspended, placed on eighteen months' supervised probation, and ordered to pay the costs of prosecution and restitution.
7. On or about May 20, 1994, in the Circuit Court of the City of Hampton, Hampton, Virginia, Ms. Lucero was sentenced to five (5) years in prison for felony shoplifting. Her sentence was suspended for a period of ten (10) years, and she was placed on supervised probation for twelve (12) months and ordered to pay the costs of prosecution.
8. By her own admission, Ms. Lucero's criminal activity occurred in connection with her chemical dependency.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact the Board concludes that Terry D. Lucero is in violation of § 54.1-3007(4) and (6) of the Code of Virginia (1950), as amended.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that the application of Terry D. Lucero for licensure by examination as a professional nurse in the Commonwealth of Virginia be, and hereby is, APPROVED, upon the following terms and conditions:

1. Ms. Lucero shall enter into a Recovery Monitoring Contract ("Contract") with the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code of Virginia (1950), as amended, and 18 VAC 76-10-10, et. seq., of the Regulations Governing the Health Practitioners' Intervention Program and shall have proof of entry into a Contract provided to the Board within thirty (30) days of this Order becoming final.
2. Ms. Lucero shall comply with all terms and conditions of the HPIP for the period specified in the Contract.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Lucero, and an administrative proceeding shall be held to decide whether her license shall be revoked. Ms. Lucero shall be noticed to appear before a Special Conference Committee of the Board of Nursing at such time as the Board is notified that:
 - a) Ms. Lucero has failed to enter into a Contract with the HPIP, or
 - b) Ms. Lucero is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP, or
 - c) There is a pending investigation or unresolved allegations against Ms. Lucero involving a violation of law, regulation or any term or condition of this order, or
 - d) Ms. Lucero has successfully completed the period of participation in the HPIP.

Terry D. Lucero

However, upon receipt of evidence of Ms. Lucero's participation in and compliance with the HPIP, the Special Conference Committee of the Board of Nursing, at its discretion, may waive Ms. Lucero's appearance before the Committee, and conduct an administrative review of this matter.

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.

If Ms. Lucero does not consent to the Committee's decision and desires a hearing before the Board or a panel thereof, she shall notify Nancy K. Durrett, R.N., M.S.N., Executive Director, Board of Nursing, in writing at 6606 West 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 request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or a 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

Entered: March 6, 2000