

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ANGELA GILBERT, L.P.N.
License No.: 0002-083392

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Angela Gilbert, L.P.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Gilbert's license to practice practical nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Angela Gilbert, L.P.N., was issued License No. 0002-083392 to practice practical nursing by the Virginia Board of Nursing on September 21, 2010. Said license is set to expire on May 31, 2015. Ms. Gilbert's primary state of residence is Virginia.
2. During the course of her employment with Clarksville Family Practice, Chase City, Virginia, on January 17, 2013, Ms. Gilbert called in prescriptions for Tussionex (hydrocodone/chlorpheniramine -Schedule III) for herself and multiple family members using the name of her supervising physician. The physician had not authorized the prescriptions nor were they documented in the electronic medical record.
3. Ms. Gilbert diverted Xanax (alprazolam -Schedule IV) and oxycodone (Schedule II) from Patient A for her personal and unauthorized use, which she accomplished by picking up his prescriptions from the pharmacy and keeping a portion of the medication for herself
4. Following the termination of her employment from Clarksville Family Practice, Ms. Gilbert attempted to call in additional prescriptions for Patient A without authorization.
5. Ms. Gilbert signed a Participation Contract with the Health Practitioners' Monitoring Program on April 30, 2013.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 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 (“Regulations”).
2. Finding of Fact No. 3 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. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

Angela Gilbert, L.P.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She neither admits nor denies the Findings of Fact and Conclusion of Law contained herein and waives her right to contest such Findings of Fact and Conclusion of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice practical nursing in Virginia.

ORDER

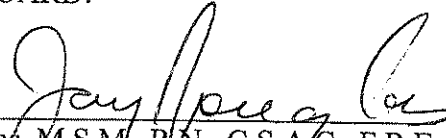
WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Angela Gilbert, L.P.N., is hereby REPRIMANDED.
2. The Board shall TAKE NO FURTHER ACTION at this time contingent on the condition that Angela Gilbert, L.P.N., remains in compliance with the terms and conditions of the HPMP for the period specified by the HPMP.
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Gilbert, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Gilbert shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. Ms. Gilbert is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against Ms. Gilbert involving a violation of law or regulation or any term or condition of this Order; or
 - c. Ms. Gilbert has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Gilbert's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Gilbert's appearance before the Board and conduct an administrative review of this matter.
4. This Order is applicable to Ms. Gilbert's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Gilbert 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 Ms. Gilbert wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.
5. Ms. Gilbert 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 upon request.

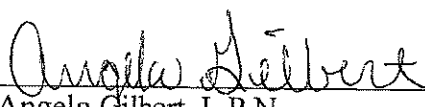
FOR THE BOARD:



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

ENTERED: February 12th, 2014

SEEN AND AGREED TO:



Angela Gilbert, L.P.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF HALIFAX TO WIT:

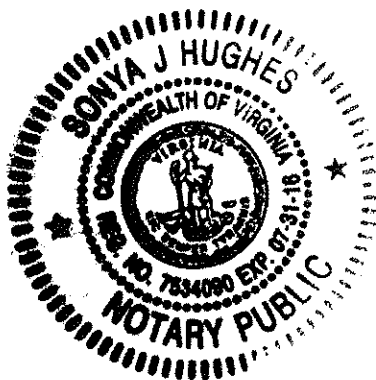
Subscribed and sworn to before me, Sonya Hughes, a Notary Public, this 31 day of January 2014.

My commission expires July 31, 2016

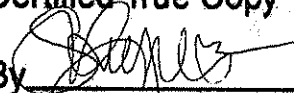
Registration Number 7534090



NOTARY PUBLIC



Certified True Copy

By 

Virginia Board of Nursing