

Certified True Copy

By 
Virginia Board of Nursing



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

December 17, 2015

Janet Gardner Townley
2709 Paddington Station Lane
Vinton, VA 24179

CERTIFIED MAIL

DUPLICATE COPY
VIA FIRST CLASS MAIL

RE: License No.: 0001-134808

DATE 12/17/15

Dear Ms. Townley:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered December 17, 2015. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

RECEIVED

DEC 21 2015

VA BD OF NURSING

Enclosures
Case # 170966

Sincerely,



David E. Brown, D.C., Director
Department of Health Professions

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: JANET GARDNER TOWNLEY, R.N.
License No.: 0001-134808

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Janet Gardner Townley, R.N., to practice nursing in the State of Florida was suspended by a Final Order dated April 11, 2013, said license has not been reinstated. A certified copy of the Final Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the privilege of Janet Gardner Townley, R.N., to renew her license to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Janet Gardner Townley, R.N., will be recorded as suspended and no longer current. Should Ms. Townley seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



David E. Brown, D.C., Director
Department of Health Professions

ENTERED: 12/17/15



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Final Order dated April 11, 2013, regarding Janet Gardner Townley, R.N., is a true copy of the records received from the State of Florida Board of Nursing.

David E. Brown, D.C.

Date: 12/17/15

FILED DATE APR 12 2013

Department of Health

Wanda Sanders
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2012-16575

License No.: RN 9192102

JANET G. TOWNLEY,

Respondent.

FINAL ORDER

This matter appeared before the Board of Nursing at a duly-noticed public meeting on April 5, 2013 in Ponte Vedra Beach, Florida, for a hearing not involving disputed issues of material fact pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Petitioner has filed an Administrative Complaint seeking disciplinary action against the license. A copy of the Administrative Complaint is attached to and made a part of this Final Order. Service of the Administrative Complaint was made upon Respondent by certified mail, return receipt requested. Respondent has not filed an Election of Rights. Petitioner has filed a Motion for Determination of Waiver and Entry of Final Order. Petitioner was represented by John Truitt, Assistant General Counsel, Florida Department of Health. Respondent was not present.

FINDINGS OF FACT

Since the licensee has not replied to the Administrative Complaint nor contested the factual allegations, the prosecuting



attorney offered the investigative file to prove the facts as alleged. The investigative file was received into evidence and the Board finds the uncontested facts adequately support the allegations. Therefore, the Board adopts as its finding of facts the facts set forth in of the Administrative Complaint.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes the licensee has violated Section 464.018(1)(j), Florida Statutes.

The Board is empowered by Sections 464.018(2) and 456.072(2), Florida Statutes, to impose a penalty against the licensee. Therefore it is ORDERED that:

The licensee must pay investigative costs of \$1,335.50 within twenty-four months from the date of entry of this Order. Payment shall be made to the Board of Nursing and mailed to, DOH-Compliance Management Unit, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3276, Attention: Nursing Compliance Officer. **Payment must be made by cashier's check or money order ONLY.** Personal checks will **NOT** be accepted.

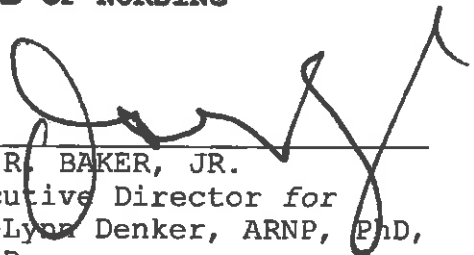
The license of JANET G. TOWNLEY is suspended ; however the suspension is stayed and shall remain stayed as long as the licensee participates in the IPN. The licensee shall comply with all conditions of the IPN Advocacy Contract or she will be in violation of the Board Order. Termination from IPN shall result in the immediate lifting of the stay of suspension. Reinstatement will

require compliance with all terms and conditions set forth in this and any previous Board Order, and the licensee's appearance before the Board to demonstrate her present ability to engage in the safe practice of nursing. The Board reserves the right to impose reasonable conditions of reinstatement at the time of appearance before the Board.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 11th day of April, 2013.

BOARD OF NURSING



JOE R. BAKER, JR.
Executive Director for
Ann-Lynn Denker, ARNP, PhD,
CHAIR

NOTICE OF APPEAL RIGHTS

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to **JANET G. TOWNLEY**, 11370 Walker Avenue, Seminole, FL 33772; and **Intervention Project for Nurses**, P.O. Box 49130, Jacksonville Beach, Florida 32240-9130; by interoffice mail to **Lee Ann Gustafson**, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; and **John Truitt**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 on this 12th day of April, 2013.

Angel Sanders

Deputy Agency Clerk

7012 1010 0002 2383 4183

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2012-16575

JANET G. TOWNLEY, R.N.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Janet G. Townley, R.N., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.
2. At all times material to this Administrative Complaint, Respondent was a licensed registered nurse (R.N.) within the state of Florida, having been issued license number RN 9192102.
3. Respondent's address of record 11370 Walker Avenue, Seminole, Florida 33772.



4. On or about June 26, 2012, Respondent was scheduled to work a night shift at Wrights Healthcare and Rehabilitation Center (WHRC) where Respondent was employed as a registered nurse.

5. On or about June 26, 2012, at or about 10:45 p.m., the evening shift nurse, M.B., observed Respondent arrive at WHRC. M.B. wrote a statement about what she observed stating:

She came through the front door, staggering from side to side. She was very disheveled, falling into the cart and into the counter. She sat down to take report but only scribbled on the paper, laughing inappropriately. Then she got up and went outside to have a cigarette. I asked her if she was going to count [the medication cart] and her speech was very slurred and said, "I'm busy."

6. Two other staff nurses at WHRC observed that Respondent was disheveled and had difficulty concentrating and was slurring her words. M.B. contacted the assistant director of nursing (ADON) and reported that she believed Respondent was impaired. The ADON reported to WHRC and observed Respondent sitting at the nursing station with her hair out of place. The ADON informed Respondent that three nurses believed that she was unable to accept a patient care assignment due to her behavior. The ADON noticed Respondent had slurred speech and asked when Respondent had her last drink. Respondent laughed and answered, "2:00 p.m."

7. On or about June 29, 2012, Respondent was terminated from WHRC and directed to contact the Intervention Project for Nurses (IPN).

8. IPN is the impaired practitioner program for the Board of Nursing, pursuant to Section 456.076, Florida Statutes (2012). IPN is a program that monitors the evaluation, care and treatment of impaired nurses. IPN oversees random drug screens and provides for the exchange of information between treatment providers, evaluators and the Department for the protection of the public.

9. On or about June 29, 2012, Respondent contacted IPN and explained that on the day in question, she had to work at 10:30 p.m. She drank three alcoholic drinks during the day prior to reporting to work. She stated she did not know she was drunk. The IPN case manager explained the requirements of IPN participation, including the requirements to refrain from nursing practice and submit to an IPN-facilitated evaluation.

10. On or about September 11, 2012, Respondent submitted to an IPN-facilitated evaluation conducted by D.P.M., M.D., a specialist in addiction medicine. Respondent explained the event at WHRC, stating that she took a prescribed Xanax tablet during the day and then drank three alcoholic beverages in the evening. She went to bed to get some rest at about 7:30 p.m. Respondent explained that her son woke her up at 9:30

p.m. and her husband drove her to work, but she does not remember going to work. Once she got to work, her co-workers noticed that she was intoxicated. Respondent stated she drank alcohol a couple times a month. With regard to prescription drugs, Respondent stated she was prescribed Xanax and Ultram. Dr. D.P.M. opined that Respondent was not able to practice nursing with reasonable skill and safety due to her alcohol abuse. Dr. D.P.M. recommended that Respondent enter into an intensive outpatient chemical dependency treatment program, get off the Xanax and Ultram medication, and enter into IPN monitoring.

11. Xanax is the brand name for alprazolam and is prescribed to treat anxiety. According to Section 893.03(4), Florida Statutes (2012), alprazolam is a Schedule IV controlled substance that has a low potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States. Abuse of alprazolam may lead to limited physical or psychological dependence relative to the substances in Schedule III.

12. Ultram is the brand name for tramadol, an opioid class medication prescribed to treat pain. Ultram is a legend drug, but not a controlled substance. Ultram, like all opioid class drugs, can affect mental alertness, is subject to abuse, and can be habit forming.

13. On or about September 19, 2012, the IPN case manager provided Respondent with the contact information for two treatment centers where she could obtain the recommended treatment.

14. On or about October 9, 2012, IPN sent Respondent a letter advising her to enter into treatment and again provided her with the contact information for treatment centers. IPN gave Respondent a deadline of October 23, 2012, to enter into the recommended treatment.

15. On or about October 12, 2012, Respondent contacted IPN about Dr. D.P.M.'s recommendations, stating she thought Dr. D.P.M. told her that she did not need chemical dependency treatment. Respondent stated she was going to contact Dr. D.P.M. about the treatment recommendations. Respondent was reminded that she needed to call IPN by the deadline of October 23, 2012, regarding her plans for the chemical dependency treatment.

16. On or about November 5, 2012, after receiving no notice from Respondent regarding treatment, Respondent's IPN file was closed as a refusal.

17. On or about November 14, 2012, a Department investigator interviewed Respondent who stated she was putting off her nursing career and IPN until her life settled down. Respondent explained the evening

when she went to work Impaired stating that she took some Xanax, had two mixed drinks, and went to bed at about 7:00 p.m. or 7:30 p.m. She stated that the next thing she remembers is being in the car and her husband announcing, "We're here." She got out of the car and went into WHRC. Respondent stated that she had to get the rest of the story from other people, but she knows that she did not provide any patient care. Respondent stated, "I have over drank, but I don't do it too often. I don't feel like I should have to go to AA meetings, I don't abuse alcohol."

18. Section 464.018(1)(j), Florida Statutes (2012), subjects a licensee to discipline, including suspension, for being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition.

19. As set forth above, on or about September 11, 2012, Dr. D.P.M. opined that Respondent was not able to practice nursing with reasonable skill and safety due to her alcohol abuse.

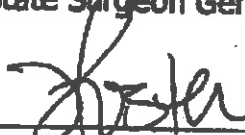
20. Based on the foregoing, Respondent has violated Section 464.018(1)(j), Florida Statutes (2012), by being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of

alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition.

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 7 day of JANUARY, 2013.

John H. Armstrong, MD, FACS
State Surgeon General and Secretary of Health



Vernisha Foster
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Florida Bar # 0092743
Telephone: (850) 245-4640
Facsimile: (850) 245-4683

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Angel Sanders
DATE JAN 08 2013

/VF
PCP: January 7, 2013
PCP Members: Herrera and Kirkpatrick

NOV 24 2015

DHP

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.