

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: AMBER N. MCSPADDEN
License No.: 0001-239586

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 October 7, 2015, in Henrico County, Virginia. Ms. McSpadden was not present nor was she represented by legal counsel. Jodi Power, R.N., J.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 18, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. McSpadden 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. Amber N. McSpadden, R.N. was issued License No. 0001-239586 to practice professional nursing in Virginia on July 25, 2012. The license is scheduled to expire on November 30, 2015. Ms. McSpadden's primary state of residence is Virginia.
2. By letter dated September 9, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. McSpadden notifying her that an informal conference would be held on October 7, 2015. The Notice was sent by certified and first class mail to 7516 Ox Road, Fairfax Station, Virginia 22039, the address of record on file with the Board of Nursing. The Notice was also sent to 4230 Seminary Road, Alexandria, Virginia 22304, a secondary address. By letter dated September 21, 2015,

the Board of Nursing sent an Amended Notice of Informal Conference (“Amended Notice”) to Ms. McSpadden notifying her that an informal conference would be held on October 7, 2015. The Amended Notice was sent by certified and first class mail to 7516 Ox Road, Fairfax Station, Virginia 22039, the address of record on file with the Board of Nursing. The Amended Notice was also sent to 4230 Seminary Road, Alexandria, Virginia 22304, a secondary address. The Notices and Amended Notices sent by certified mail were returned to the Board office. The Notices and Amended Notices sent by first class mail were returned to the Board office. The Department of Health Professions received a phone call the day of the informal conference from Ms. McSpadden’s attorney for her criminal matters, who stated that Ms. McSpadden would not be attending her informal conference because she was still in treatment. The Agency Subordinate concluded that adequate notice was provided to Ms. McSpadden, and the informal conference proceeded in her absence.

3. Ms. McSpadden has a history of substance abuse, as evidenced by the following:

a. On February 7, 2015, Ms. McSpadden was hospitalized at the Holy Cross Hospital, Silver Spring, Maryland, for a heroin overdose. As a result of the incident, Ms. McSpadden was charged with possession of controlled substance other than marijuana and possession of drug paraphernalia in the District Court of Montgomery County, Maryland. A trial date is scheduled for November 16, 2015.

b. On January 13, 2015, Ms. McSpadden pled guilty to misdemeanor DWI and was granted probation before judgment in the District Court for Montgomery County, Maryland.

c. From June 5, 2015 through at least June 16, 2015, Ms. McSpadden was a resident of the detoxification facility for the Falls Church, Virginia, Community Services Board. The Falls Church Community Services Board recommended additional substance abuse treatment with the inpatient program at A New Beginning, Fairfax, Virginia. As of April 13, 2015, Ms. McSpadden told the investigator for the Department of Health Professions that she was in a residential substance abuse

treatment program.

4. During the course of her employment with Inova Loudoun Hospital, Leesburg, Virginia, Ms. McSpadden diverted lorazepam (C-IV), as evidenced by the following:

a. On January 4, 2015, Ms. McSpadden withdrew a total of 4mg lorazepam for a patient who had been prescribed three doses of 1mg. Ms. McSpadden documented administration of 3mg, but she failed to document the administration or waste of the remaining 1mg.

b. On January 5, 2015, Ms. McSpadden withdrew 2mg lorazepam for a patient who had been prescribed one dose of 0.5mg. Ms. McSpadden documented administration of 0.5mg, but she failed to document the administration or waste of the remaining 1.5mg.

c. On January 8, 2015, Ms. McSpadden withdrew 2mg lorazepam for a patient who had been prescribed one dose of 0.5mg. Ms. McSpadden documented the administration of 0.5mg, but she failed to document the administration or waste of the remaining 1.5mg.

d. On January 9, 2015, Ms. McSpadden withdrew 2mg of lorazepam for a patient who had been prescribed one dose of 1mg. Ms. McSpadden documented administration of 1mg, but she failed to document the administration or waste of the remaining 1mg.

e. On January 27, 2015, Ms. McSpadden withdrew 2mg lorazepam for a patient who had been prescribed one dose of 1mg. Ms. McSpadden documented administration of 1mg, but she failed to document the administration or waste of the remaining 1mg.

5. During the course of her employment with Inova Loudoun Hospital, on February 11, 2015, in a for-cause urine drug screen conducted after management discovered discrepancies with her wastage of lorazepam, Ms. McSpadden tested positive for cocaine and opiates.

6. Ms. McSpadden's employment with Inova Loudoun Hospital was terminated on February 11, 2015, related to the discrepancies with the medication administration records and the positive urine

drug screen. Ms. McSpadden had worked at Inova Loudoun Hospital for less than three months.

7. In a brief interview with the investigator, Ms. McSpadden stated that she did not remember anything from the events the evening of February 7, 2015. Ms. McSpadden provided no information related to the allegations or other employment information.

8. Ms. McSpadden is not currently enrolled in the Health Practitioners' Monitoring Program ("HPMP").

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a) through 3(c) constitute a violation of § 54.1-3007(6) of the Code.

2. Findings of Fact Nos. 4(a) through 4(e) constitute a violation of § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC90-20-300 (A)(2)(c) of the Regulations Governing the Practice of Nursing.

3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(5) and (6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-239586 of Amber N. McSpadden, R.N. is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended and no longer current.

3. At such time as Ms. McSpadden shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of nursing. Ms. McSpadden shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

4. This suspension applies to any multistate privilege to practice nursing.

5. This suspension shall be STAYED upon proof of entry into the HPMP and compliance with a Recovery Monitoring Contract with the HPMP pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. McSpadden shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. McSpadden, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. McSpadden is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. McSpadden's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. McSpadden involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. McSpadden's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. McSpadden's appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. This Order is applicable to Ms. McSpadden's multistate licensure privileges, if any, to practice nursing. For the duration of this Order, Ms. McSpadden shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission

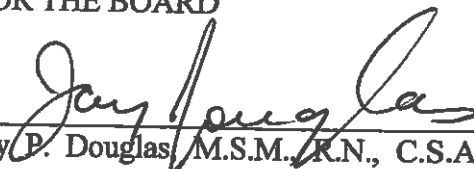
of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. McSpadden wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

8. Ms. McSpadden 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.

Since Ms. McSpadden failed to appear at the informal conference, this Order shall be considered final. Ms. McSpadden has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. McSpadden has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

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: December 15th, 2015

Certified True Copy

By 
Virginia Board of Nursing