

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       ANDREA HARRIS, R.N.  
              License No.: 0001-201294**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7)/(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on July 23, 2014 in Henrico County, Virginia. Andrea Harris, R.N. was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 17, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Harris was not present nor was she represented by legal counsel. Ms. Harris submitted written comments/objections.

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. Andrea Harris, R.N. was issued License No. 0001-201294 to practice professional nursing in Virginia on June 16, 2006. The license is scheduled to expire on January 31, 2015. Her primary state of residence is Virginia.

2. By letter dated February 7, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Harris notifying her that an informal conference would be held on March 4, 2014. The Notice was sent by certified and first class mail to 4917 Sunny Side Drive, Roanoke, Virginia 24018, the address of record on file with the Board of Nursing. Ms. Harris requested a continuance, which was granted. The Board sent a letter dated March 5, 2014 to Ms. Harris by certified and first class mail notifying her that the informal conference had

been continued to April 29, 2014. Ms. Harris signed the certified mail receipt on March 7, 2014. The Board sent a second letter by certified and first class mail to Ms. Harris on May 2, 2014, notifying her that the informal conference had been continued to July 23, 2014. Ms. Harris signed the certified mail receipt on May 5, 2014. The Agency Subordinate concluded that adequate notice was provided to Ms. Harris, and the informal conference proceeded in her absence.

3. On August 28, 2012, following an informal conference, the Board entered an Order taking no action against Ms. Harris contingent upon her continued compliance with the Health Practitioners' Monitoring Program ("HPMP"). This Order was based on findings that Ms. Harris was unsafe to practice professional nursing due to substance abuse and mental illness and that she had entered the HPMP in July 2012.

4. On July 19, 2013, Ms. Harris was dismissed from the HPMP due to noncompliance. Specifically, she tested positive for alcohol on March 28 and April 9, 2013, and failed to enter and complete treatment as recommended. On September 24, 2013, Ms. Harris admitted to an investigator for the Department of Health Professions that she had consumed four glasses of wine on the evenings prior to both positive screens.

5. Ms. Harris told the investigator that she was not receiving any treatment. She stated that her spouse was a substance abuse counselor and that he monitored her recovery. As of September 2013, Ms. Harris was not employed in a nursing position.

### CONCLUSIONS OF LAW

Finding of Fact #4 constitutes a violation of § 54.1-3007(6) of the Code and Term No. 1 of the Board's Order entered August 28, 2012.

### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Andrea Harris, R.N. is hereby REPRIMANDED.
2. License No. 0001-201294 of Andrea Harris, R.N. is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.

4. At such time as Ms. Harris 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. Harris 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.

5. This suspension applies to any multistate privilege to practice professional nursing.

6. This suspension shall be STAYED upon proof of Ms. Harris' re-entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Harris 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. Harris, 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. Harris is not in compliance with the terms and conditions specified by the HPMP;

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

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

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

8. This Order is applicable to Ms. Harris' multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Harris 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.

9. Ms. Harris 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.

Since Ms. Harris failed to appear at the informal conference, this Order shall be considered final. Ms. Harris 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. Harris 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*  
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

Entered: *October 2, 2014*

Certified True Copy

By *U. Robinson-Hawes*  
Virginia Board of Nursing