

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       MARY K. CURRY, L.P.N.**  
**License No.: 0002-089981**

**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 August 4, 2015, in Henrico County, Virginia. Mary K. Curry, L.P.N., was not present and was represented by Tripp Franklin, Esquire. Allison Gregory, M.S., R.N., F.N.P.-B.C., 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. Curry 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. Mary K. Curry, L.P.N., was issued License No. 0002-089981 to practice practical nursing by the Virginia Board of Nursing on October 31, 2013. Said license is set to expire on March 31, 2016. Ms. Curry's primary state of residence is Virginia.

2. By letter dated May 6, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Curry notifying her that an informal conference would be held on June 1, 2015. The Notice was sent by certified and first class mail to 401 Prospect Street, A-8, Staunton, Virginia, 24401, the address of record on file with the Board of Nursing. Ms. Curry requested and was granted a continuance of the informal conference until August 4, 2015.

3. In July 2014, during the course of her employment with Kings Daughters Community Health and Rehabilitation Center, Staunton, Virginia, by her own admission, Ms. Curry diverted multiple narcotics from the supply of Resident A, Resident B, Resident C, Resident D, and Resident E for her personal and unauthorized use and signed out the medications for these residents on narcotic sign-out sheets.

4. Ms. Curry has a history of narcotic addiction and mental illness, including diagnoses of opioid dependence and depressive disorder NOS.

5. Ms. Curry signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on September 23, 2014. She was dismissed from the HPMP on July 17, 2015, for noncompliance, including failure to maintain contact with HPMP, failure to comply with the toxicology screening program, and failure to submit monthly reports.

6. Ms. Curry graduated from a residential substance abuse treatment program in Florida and currently lives in a halfway house.

7. Ms. Curry stated to the Board via her attorney that she wished to voluntarily surrender her license to practice practical nursing.

8. Ms. Curry's attorney stated that Ms. Curry was charged with felony offenses related to the drug diversion in Finding #3. However, in May 2015 she entered into a plea agreement in the criminal matter, which reduced the offenses to misdemeanors, with one year sentence suspended, placed her on unsupervised probation, in which she agreed that she would not seek reinstatement of her license to practice nursing until she had demonstrated five years' sobriety.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

**ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. The Board ACCEPTS the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of Ms. Curry's license to practice practical nursing in the Commonwealth of Virginia.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Curry 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 practical nursing. Ms. Curry 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 practical nursing.  
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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Curry may, not later than 5:00 p.m., on January 6, 2015, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:

*Gloria Mitchell-Lively*  
for Jay P. Douglas, R.N., M.S.M., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

ENTERED: *December 4, 2015*

This Order shall become final on January 6, 2015, unless a request for a formal administrative hearing is received as described above.

**Certified True Copy**

By *[Signature]*  
**Virginia Board of Nursing**