

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ABIGAIL LEWIS, L.P.N. a/k/a ABIGAIL NECAMP

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Abigail Lewis, L.P.N., a/k/a Abigail Necamp, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Lewis' license to practice practical nursing in Virginia.

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

FINDINGS OF FACT

1. Abigail Lewis, L.P.N. was issued License No. 0002-074240 to practice practical nursing by the Virginia Board of Nursing on August 28, 2006. Said license is set to expire on January 31, 2012.
2. Ms. Lewis was employed with Riverside Regional Medical Center, Newport News, Virginia from August 2006 until she was terminated in November 2009.
3. During Ms. Lewis' shift on Riverside's Oncology unit on November 6-7, 2009, a patient complained that Ms. Lewis' behavior was consistent with impairment, and on the morning of November 7, 2009, another nurse beginning her shift observed that one of Ms. Lewis' patients no longer had an IV in place.
4. On November 10, 2009, Ms. Lewis submitted to a urine drug screen at the request of the hospital's Director of Medical Surgical Services, and the test was positive for Dilaudid (hydromorphone – Schedule II).
5. Ms. Lewis admitted to the director that she had been diverting discarded narcotic medication from the hospital's sharps container for her personal use.

6. Ms. Lewis stated to an investigator of the Department of Health Professions (“Department”) that she began diverting narcotic medication from Riverside in the spring of 2008 to cope with stress in her personal life.

7. Ms. Lewis stated to a Department investigator that she initially diverted narcotic tablets and then subsequently diverted discarded injectable medication from the sharps container.

8. Ms. Lewis stated that on one occasion, she used hydromorphone while at work.

9. Ms. Lewis stated that on one occasion, she removed Tylenol and Percocet after a patient who had just received morphine intravenously requested more pain medication. She administered Tylenol to the patient and kept the Percocet for herself.

10. A review of Ms. Lewis’ Pyxis reports and patient charts revealed no irregularities or discrepancies in medication orders, withdrawals or administrations.

11. In January 2009, Ms. Lewis was convicted of driving under the influence of alcohol.

12. On November 18, 2009, Ms. Lewis signed a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”).

13. On November 25, 2009, Ms. Lewis submitted to a urine drug screen, which was positive for oxazepam (Schedule IV). Ms. Lewis did not have a valid prescription for oxazepam.

14. Ms. Lewis is currently in compliance with the terms of her HPMP Participation Contract.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2) and (6) of the Code of Virginia (1950), as amended (“Code”) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”).

2. Findings of Fact Nos. 4, 5, 6, and 7 constitute a violation of § 54.1-3007(2) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations.

3. Finding of Fact No. 8 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.

4. Finding of Fact No. 9 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.

CONSENT

Abigail Lewis, 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 admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact 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. The Board shall TAKE NO ACTION at this time contingent on Ms. Lewis' continued compliance with the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for suspending or revoking the license of Ms. Lewis, and an administrative proceeding shall be held to decide whether her license should be suspended or revoked. Ms. Lewis shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Lewis 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. Lewis involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. Lewis has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Lewis' participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Lewis' appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Lewis' multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Lewis 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. Lewis wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Lewis shall maintain a course of conduct in her capacity as a licensed 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 Douglas
Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: June 29th, 2010

SEEN AND AGREED TO:

Abigail Lewis
Abigail Lewis, L.P.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Newport News, TO WIT:

Subscribed and sworn to before me, Suzanna W Eunice, a Notary Public, this 23rd day of June, 2010

My commission expires 12/31/2011

Registration Number 7082259

Suzanna W Eunice
NOTARY PUBLIC

