

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

November 13, 2015

Ashley Nicole Tucker Clark  
1705 Cornsilk Circle  
Virginia Beach, VA 23456  
and  
220 Sunbeam Drive, Apt. 18  
Leitchfield, KY 42754

CERTIFIED MAIL

DUPLICATE COPY  
VIA FIRST CLASS MAIL

DATE 11/13/15

RE: License No.: 0001-246916

Dear Ms. Clark:

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 November 13, 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.

Sincerely,



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

RECEIVED

NOV 16 2015

Enclosures  
Case # 170310

VA BD OF NURSING

**VIRGINIA:**

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: ASHLEY NICOLE TUCKER CLARK, R.N.  
License No.: 0001-246916**

**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 privilege of Ashley Nicole Tucker Clark, R.N., to practice nursing through the Nurse Licensure Compact in the Commonwealth of Kentucky was immediately suspended by an Order of Immediate Temporary Suspension dated October 15, 2015. A certified copy of the Order of Immediate Temporary Suspension 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 license of Ashley Nicole Tucker Clark, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Ashley Nicole Tucker Clark, R.N., will be recorded as suspended and no longer current. Should Ms. Clark 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.

**RECEIVED**

**NOV 16 2015**

**VA BD OF NURSING**



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

ENTERED: 11/13/15



# COMMONWEALTH of VIRGINIA


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Director

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## CERTIFICATION OF DUPLICATE RECORDS

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Order of Immediate Temporary Suspension dated October 15, 2015, regarding Ashley Nicole Tucker Clark, R.N., is a true copy of the records received from the Commonwealth of Kentucky Board of Nursing.

  
\_\_\_\_\_  
David E. Brown, D.C.

Date: 11/13/15

**COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF NURSING  
Case No. 2016-0154**

In The Matter Of: Ashley Nicole Tucker  
VA RN License No. 1246916  
220 Sunbeam Dr., Apt. 18  
Leitchfield, KY 42754

**ORDER OF IMMEDIATE TEMPORARY SUSPENSION**

Pursuant to KRS 314.091(1), KRS 314.089, and KRS 13B.125, and in order to protect the public, the Kentucky Board of Nursing ("Board") hereby issues the following Order for the immediate temporary suspension of the privilege to practice of Ashley Nicole Tucker ("Respondent") to practice as a Registered Nurse ("RN") in the Commonwealth of Kentucky. Pursuant to the above-cited statutes, the basis for this Order is as follows:

**FINDINGS OF FACT**

1. Respondent was first licensed by the Virginia Board of Nursing as an RN on August 13, 2013. The Respondent has practiced in Kentucky under her multistate licensure privilege to practice pursuant to KRS 314.470, commonly referred to as the Nurse Licensure Compact. The Board has jurisdiction in this matter pursuant to KRS 314.099.
2. The Respondent was employed as an RN at Twin Lakes Regional Medical Center ("TLRMC"), Leitchfield, Kentucky, from July 13, 2015, until her termination for diversion of narcotics on August 13, 2015.
3. On August 12, 2015, the Leitchfield Police Department ("LPD") seized 10 vials of hydromorphone, a schedule II controlled substance, 2 vials of promethazine, and



In the Matter of: **Ashley Nicole Tucker**  
**VA RN License No. 1246916**  
**Case No. 2016-0154**

multiple syringes and needles from Respondent's residence. LPD contacted TLRMC and confirmed that the lot numbers for all of the medication found in Respondent's possession matched the lot numbers for medication previously inventoried at the facility.

4. On August 13, 2015, a facility initiated complaint (2016-0154) was received by the Kentucky Board of Nursing alleging that the Respondent was terminated for diverting narcotics while she was employed at TLRMC. On August 31, 2015, the facility complaint was mailed to the Respondent, along with a cover letter that directed the Respondent to file a written, verified response to the complaint within thirty days, in accordance with 201 KAR 20:161 Section 1(4)(b). The notice was mailed to the address designated by Respondent in accordance with KRS 314.107. Respondent failed to file a written response to the complaint.

5. On August 18, 2015, Respondent's sister advised TLRMC staff that Respondent acknowledged the theft and use of controlled substances from the facility.

### **CONCLUSIONS OF LAW**

The Respondent's conduct described above constitutes a violation of KRS 314.091(1), which prohibits the following:

**\* \* \***

- (d) Has negligently or willfully acted in a manner inconsistent with the practice of nursing;**
- (e) Is unfit or incompetent to practice nursing by reason of negligence or other causes, including but not limited to, being unable to practice nursing with reasonable skill or safety;**
- (f) Abuses use of controlled substances, prescription medications, illegal substances, or alcohol;**
- (g) Has misused or misappropriated any drugs placed in the custody of the nurse for administration, or for use of others;**

In the Matter of: Ashley Nicole Tucker  
VA RN License No. 1246916  
Case No. 2016-0154

\* \* \*

- (j) Has violated any of the provisions of this chapter [including KRS 314.021(2)].

On October 2, 2015, the Board President determined that the facts and circumstances set forth above further indicate that the continued practice of nursing by the Respondent poses an immediate danger to the public health, safety, or welfare. Accordingly, Respondent is hereby **ORDERED** to **CEASE AND DESIST** from the practice of nursing in the Commonwealth of Kentucky, effective immediately. Any such practice after the date of this Order shall constitute grounds for further disciplinary action. **The Respondent's RN privilege to practice in the Commonwealth of Kentucky is immediately suspended on a temporary basis.**

Pursuant to KRS 13B.125(3), the Respondent may request a hearing in regard to this Order. Any such request must be in writing and sent to the attention of the Hearing Officer, Kentucky Board of Nursing, Suite 300, 312 Whittington Parkway, Louisville, Kentucky 40222. A request for a hearing does not stay the effect of this Order.

This 15<sup>th</sup> day of October 2015.




Paula S. Schenk, MPH, RN  
Executive Director  
Kentucky Board of Nursing

In the Matter of: **Ashley Nicole Tucker**  
**VA RN License No. 1246916**  
**Case No. 2016-0154**

**Certificate of Service**

This is to certify that a true and correct copy of the foregoing *Order of Immediate Temporary Suspension* was served upon the Respondent, Ashley Nicole Tucker, 220 Sunbeam Dr., Apt. 18, Leitchfield, KY 42754, the address of record pursuant to KRS 314.107, via both certified U.S. Mail, return receipt requested, and regular U.S. Mail, postage pre-paid, on this the 15<sup>th</sup> day of October 2015.

  
\_\_\_\_\_  
Spencer R. Robinson, Prosecuting Attorney  
Kentucky Board of Nursing  
312 Whittington Parkway, Ste. 300  
Louisville, Kentucky 40222  
Phone: (502) 429-7174  
Fax: (502) 429-3353  
E-mail: spencer.robinson@ky.gov