

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JAYME L. HUNTSBERRY, R.N.
License No.: 0001-251689**

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 June 1, 2015, in Henrico County, Virginia. Jayme L. Huntsberry, R.N., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 15, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Huntsberry 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. Jayme L. Huntsberry, R.N., was issued License No. 0001-251689 to practice professional nursing in Virginia on June 16, 2014. The license is scheduled to expire on July 31, 2016. Her primary state of residence is Virginia.

2. By letter dated May 6, 2015, the Board sent a Notice of Informal Conference ("Notice") to Ms. Huntsberry notifying her that an informal conference would be held on June 1, 2015. The Notice was sent by certified and first class mail to 265 Gun Barrel Lane, Winchester, Virginia 22603, the address of record on file with the Board of Nursing.

3. On August 20, 2014, during the course of her employment with Valley Health, Winchester, Virginia, staff members observed Ms. Huntsberry on duty and reported that she was "not

acting right” in that she had a hard time swiping her badge, and was fidgety, stumbling, and constantly blinking her eyes. It was also reported that she had slurred speech and that it appeared hard for her to concentrate and took longer than usual for her to perform duties. A patient asked if (Ms. Huntsberry) was drunk. She was asked to submit to a urine drug screen, which she refused. As a result, her employment was terminated.

4. At the informal conference, Ms. Huntsberry had garbled speech and appeared to be under the influence of intoxicating substances. She was also untruthful in her responses. Although she admitted to having had treatment at Edgehill for addiction to pain medication and reported her date of sobriety as December 12, 2011, she stated she last took pain medication in October 2012. Moreover, according to medical records obtained by an investigator for the Virginia Department of Health Professions, Ms. Huntsberry reported to her physician in August 2008 that she was scheduled to “check into Edgehill in a couple of days for alcohol rehab.” However, Ms. Huntsberry denied having any past difficulty with alcohol. She stated that she attends NA/AA meetings twice a week, when her schedule allows. When asked if she was working the 12-step program, Ms. Huntsberry was very uncertain about the steps and also indicated that she did not have a sponsor.

5. Ms. Huntsberry stated that she refused to submit to the urine drug screen because she had been prescribed Xanax, which she had taken nightly as a sleep aid for the last six years, and knew that the results would come back positive for Xanax. She indicated that she was advised if the test was positive, she would not be permitted to drive herself home, and she needed her car to take her children to school.

6. Ms. Huntsberry stated that following her employment termination from Valley Health, she had two subsequent employment terminations for being absent during her probationary period and for mistakenly taking the medication cart key home with her. She stated she currently works second shift at Evergreen Health and Rehabilitation, where she has been employed since May 2015.

7. Ms. Huntsberry reported her current medications were Flexeril, Imitrex, and Valtrex. She stated she last had her prescription for Xanax filled a month ago.

CONCLUSION OF LAW

Finding of Fact #3 constitutes a violation of § 54.1-3007(5), (6), and (8) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-251689 of Jayme L. Huntsberry, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Huntsberry 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 professional nursing. Ms. Huntsberry 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 professional nursing.
5. This suspension shall be STAYED upon proof of Ms. Huntsberry's entry into the Health Practitioners' Monitoring Program ("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. Huntsberry 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. Huntsberry, 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. She is not in compliance with the terms and conditions specified by the HPMP;
- ii. Her participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against her involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Huntsberry's 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.

7. This Order is applicable to Ms. Huntsberry's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Huntsberry 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.

8. Ms. Huntsberry 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Huntsberry may, not later than 5:00 p.m.,

on August 24, 2015, notify Jay P. Douglas, M.S.M., R.N., 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:

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

ENTERED: July 27, 2015

This Order shall become final on August 24, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By S. Brattin
Virginia Board Of Nursing