

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CRYSTAL A. DOWNES, R.N. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Crystal A. Downes, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Downes' application by endorsement for licensure to practice professional nursing in Virginia.

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

FINDINGS OF FACT

1. Crystal A. Downes, R.N., holds License No. 2212082 to practice professional nursing issued by the State of Florida Board of Nursing ("Florida Board"). Ms. Downes' Florida license is scheduled to expire on July 31, 2012.
2. Ms. Downes submitted an application by endorsement to practice professional nursing which was received by the Board on December 30, 2009. Ms. Downes' primary state of residence is Virginia.
3. On January 25, 2009, Ms. Downes was arrested and charged with unlawful possession of a controlled substance, driving while under the influence, and driving with a driver's license that had been canceled, suspended or revoked in Virginia.
4. On March 11, 2009, Ms. Downes entered a plea of nolo contendere and was convicted of driving under the influence. Adjudication of guilt was withheld on the charges of possession of a controlled substance and driving on a canceled, suspended or revoked license. Ms. Downes was placed on 12 months of supervised probation for her conviction of driving while under the influence, 24 months of supervised probation for the possession of a controlled substance, and six months of probation for driving with a suspended or revoked driver's license, all to run concurrently.

5. On November 6, 2009, Ms. Downes and the Florida Board entered into a Settlement Agreement which reprimanded Ms. Downes and suspended her license to practice professional nursing until she undergoes an evaluation coordinated by the Intervention Project for Nurses (“IPN”) and complies with any and all terms and conditions imposed by the IPN as a result of the evaluation. This action was based on Ms. Downes’ arrest and conviction as evidenced above.

6. On July 19, 2010, Ms. Downes entered a Contract with the IPN. According to a customer service representative for the Florida Board, Ms. Downes’ license was reinstated on August 4, 2010.

7. Ms. Downes provided a letter from her Virginia probation officer dated March 12, 2010, reporting that she has maintained a stable residence and has been available to her probation officer. Ms. Downes has completed substance abuse treatment with Crossroads Community Services Board, Farmville, Virginia on November 4, 2009, completed Level 1, Suncoast Safety Council, Inc., DUI and Substance Abuse Program of Pinellas County Florida, and attended the Mother’s Against Drunk Driving Victim Impact Panel. All of Ms. Downes’ random urine drug screens and breathalyzer tests have been negative.

8. Previously, on August 8, 1992, the State of Florida Board of Nursing (“Florida Board”) suspended Ms. Downes’ license to practice professional nursing. The suspension was stayed as long as she complied with the terms and conditions of her probation, which she did. Ms. Downes’ license was placed on probation for a period of one year. This action was based on Ms. Downes committing medication errors such as misreading a physician’s orders for administering morphine sulfate (Schedule II), failing to review the patient’s nurse’s notes and administering a second dose of phenobarbital (Schedule IV) to a patient 30 minutes after another nurse had administered the ordered dosage, and failing to document her administration of phenobarbital in the seven day medications summary and in the patient’s nurse’s notes.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3, 4 and 7, constitute a violation of § 54.1-3007(6) of the Code of Virginia (1950), as amended (“Code”).

2. Findings of Fact Nos. 5 and 8 constitute a violation of § 54.1-3007(7) of the Code.

3. Based on the above Findings of Fact, Ms. Downes is a candidate for the Health Practitioners' Monitoring Program ("HPMP").

4. Ms. Downes otherwise meets the requirements of § 54.1-3018 of the Code.

CONSENT

Crystal A. Downes, R.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 application by endorsement for licensure to practice professional nursing in Virginia.

ORDER

WHEREFORE, it is hereby ORDERED that the application of Crystal A. Downes for licensure by endorsement to practice as a professional nurse is APPROVED contingent upon the following terms and conditions:

1. Ms. Downes shall enter into the HPMP, pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, and shall have proof of entry into the HPMP provided to the Board.

2. Ms. Downes shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

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

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

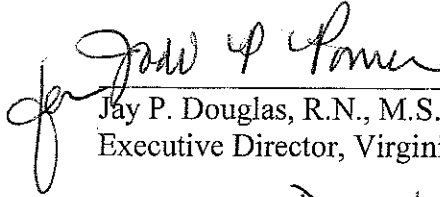
c. Ms. Downes has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Downes' participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Downes' appearance before the Board and conduct an administrative review of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

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

5. Ms. Downes 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 §§ 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.

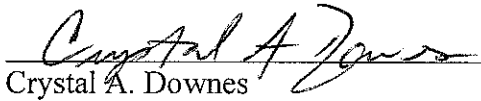
FOR THE BOARD



Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: December 2, 2010

SEEN AND AGREED TO:

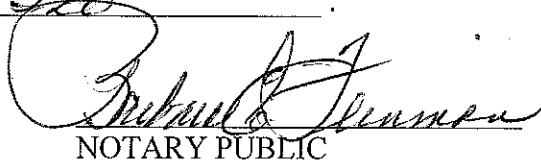

Crystal A. Downes

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Prince Edward, TO WIT:

Subscribed and sworn to before me, Barbara Feinman, a Notary Public, this 29th day of November, 2010.

My commission expires 12-31-2012.

Registration Number 159320.


NOTARY PUBLIC

