

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: TERI JONES (KIPLEY), R.N.
 License No.: 0001-167691**

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 July 7, 2015, in Henrico County, Virginia. Teri Jones (Kipley), R.N., was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 16, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Jones (Kipley) 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. Terri Jones (Kipley), R.N., was issued License No. 0001-167691 to practice professional nursing in Virginia on February 7, 2000. The license is scheduled to expire on August 31, 2016. Ms. Jones (Kipley)'s primary state of residence is Virginia.

2. By letter dated June 12, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Jones (Kipley) notifying her that an informal conference would be held on July 7, 2015. The Notice was sent by certified and first class mail to 446 Farmington Road, Hardy, Virginia 24101, the address of record on file with the Board of Nursing. The Notice was also sent to 2045 Twin Oakes

Avenue, Pulaski, Virginia 24301, a secondary address. The Notice sent by certified mail to the address of record was returned to the Board office on June 30, 2015. The Notice sent by certified mail to the secondary address was accepted by Ms. Jones (Kipley) on June 15, 2015. As of July 7, 2015, the Notice sent by first class mail to the address of record and the secondary address had not been returned to the Board office. On July 7, 2015, Ms. Jones (Kipley) notified the Board office that she could not attend the informal conference due to lack of transportation. The Agency Subordinate concluded that adequate notice was provided to Ms. Jones (Kipley) and the informal conference proceeded in her absence.

3. From July 19, 2014, through July 23, 2014, Ms. Jones (Kipley) was admitted to the Life Center of Galax, Galax, Virginia, for detoxification from alcohol. She was diagnosed with acute intoxication/withdrawal. While there, she admitted to drinking a fifth of alcohol a day for the past four years.

4. From August 4, 2014, through August 7, 2014, Ms. Jones (Kipley) was admitted to Lewis Gale Center for Behavioral Health (“Lewis Gale”), Salem, Virginia, for detoxification from Alcohol. She reported to the Lewis Gale staff that following her discharge from the Life Center of Galax, she returned to drinking a fifth of vodka a day.

5. On November 4, 2014, during the course of her employment with Interim Health Care, Salem, Virginia, Ms. Jones (Kipley) reported to work smelling of alcohol. She was administered a breath alcohol test where she registered a 0.105 blood alcohol content.

6. After being told that her alcohol level was over the legal limit by the testing lab, Ms. Jones (Kipley) left the facility instead of waiting to take a confirmation test. Ms. Jones (Kipley) continued to drive with the intention of seeing her patients. Staff from Interim Health Care telephoned her and told her to stop driving, and they would pick her up. Ms. Jones (Kipley) refused the offer and drove back to the office, where her employment was subsequently terminated.

7. On December 15, 2014, Ms. Jones (Kipley) entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") in which she agreed to abstain from alcohol. On March 24, 2015, Ms. Jones (Kipley) tested positive for alcohol.

8. On May 5, 2015, Ms. Jones (Kipley) contacted her HPMP case manager to advise that she needed to resign because she could not afford to test. The case manager requested a letter of resignation from Ms. Jones (Kipley) to be submitted by May 12, 2015. Ms. Jones (Kipley) failed to submit the letter and was placed on pre-dismissal status.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3, 4 and 7 constitute a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(5) and (6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-167691 of Terri Jones (Kipley), R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Jones (Kipley) 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. Jones (Kipley) 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 re-entry into the Health Practitioners' Monitoring Program. At such time, the indefinite suspension shall be STAYED and the following

terms and conditions shall apply:

a. Ms. Jones (Kipley) 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. Jones (Kipley), 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. Ms. Jones (Kipley) is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Jones (Kipley)'s participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Jones (Kipley) involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Jones (Kipley)'s participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Jones (Kipley)'s 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. Jones (Kipley)'s multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Jones (Kipley) 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. Jones (Kipley) wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

8. Ms. Jones (Kipley) 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.

Since Ms. Jones (Kipley) failed to appear at the informal conference, this Order shall be considered final. Ms. Jones (Kipley) has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Jones (Kipley) has 30 days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD

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

Entered: *October 7, 2015*

Certified True Copy

By *[Signature]*
Virginia Board of Nursing