

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: GINGER S. BEATLEY, R.N. REINSTATEMENT APPLICANT
License No.: 0001-153474

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on February 6, 2012, in Henrico County, Virginia, to receive and act upon the application of Ginger S. Beatley for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Beatley may have violated certain laws and regulations governing professional nursing practice. Ms. Beatley was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Ginger S. Beatley was issued License No. 0001-153474 to practice professional nursing in the Commonwealth of Virginia on June 9, 1997. Said license was suspended by Order of the Board entered on March 20, 2001, due to findings of diversion and substance abuse. Her primary state of residence is Virginia.
2. By letter dated December 9, 2011, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Beatley notifying her that an informal conference would be held on February 6, 2012. The Notice was sent by certified and first class mail to 102 Glenoak Court, Stephens City, Virginia 22655, the address of record on file with the Board of Nursing.
3. Ms. Beatley submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on August 23, 2011.

4. On July 2, 2001, in the Circuit Court of Warren County, Virginia, Ms. Beatley was convicted of two counts of obtaining drugs by fraud. After successfully completing twelve months of first offender probation, the cases were reduced to misdemeanors.

5. Ms. Beatley obtained a substance abuse evaluation on October 24, 2011, at the Blue Ridge Counseling Center, Winchester, Virginia. The evaluator recommended that Ms. Beatley abstain from alcohol, submit to random urine drug screens, attend Alcoholics Anonymous, Narcotics Anonymous or Caduceus support group meetings and participate in regular substance abuse counseling.

6. Ms. Beatley submitted documentation of completing 15 hours of continuing education units and provided several letters of support from employers and friends.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.
2. The Board concludes that Ms. Beatley has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner, with certain restrictions.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS that the license of Ginger S. Beatley is hereby REINSTATED and that Ms. Beatley shall be placed on INDEFINITE PROBATION for a period of not less than two years of actual nursing practice and subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Beatley has completed two years of active employment as a professional nurse. The license of Ms. Beatley shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such

time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.

2. Ms. Beatley shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Beatley shall provide the name and address of each employer to the Board.

3. Ms. Beatley shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Beatley is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

4. Performance Evaluations shall be provided, at the direction of Ginger S. Beatley, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than sixty days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

5. Ms. Beatley shall have an evaluation by a mental health specialist/chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within forty-five days from the date this Order is entered. Ms. Beatley shall comply with any recommendations of the specialist. If therapy is recommended, written quarterly progress reports by the therapist shall be sent to the Board by the last day of the months of March, June, September and December until Ms. Beatley is discharged from therapy. Ms. Beatley shall direct the therapist to notify the Board if she withdraws from the treatment program before being officially discharged by the therapist.

6. Ms. Beatley shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted

medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten (10) days of the date the medication is prescribed.

7. Ms. Beatley shall be required to have one supervised, unannounced random drug screen a quarter, from a Board approved testing entity, which includes testing for alcohol. Ms. Beatley shall ensure that the first set of results are received by the Board no later than sixty days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. The Board shall be notified immediately in writing of any positive results or if Ms. Beatley refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

8. Ms. Beatley shall attend Alcoholics Anonymous /Narcotics Anonymous /Caduceus recovery support groups /or other groups acceptable to the Board four times per week and shall have written evidence of attendance by a sponsor or contact person sent to the Board monthly.

9. Ms. Beatley shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any consultants designated by the Board.

10. Ms. Beatley shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than sixty days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

11. The Board shall issue a license marked “Valid in Virginia Only; Probation with Terms.”

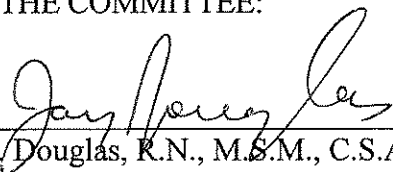
12. Ms. Beatley shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Regulations Governing the Practice of Nursing.

13. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ginger S. Beatley and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

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 on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Beatley may, not later than 5:00 p.m., on **March 27, 2012**, notify Jay P. Douglas, 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 COMMITTEE:


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

ENTERED: February 23, 2012 RD

This Order shall become final on **March 27, 2012**, unless a request for a formal administrative hearing is received as described above.