

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:           JAMIE L. CALE, L.P.N.  
                  License No.: 0002-063502**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on September 17, 2015, in Henrico County, Virginia, to inquire into evidence that Jamie L. Cale, L.P.N., may have violated certain laws governing practical nursing practice in Virginia. The case was presented by Emily E. Tatum, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Cale was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**COMMONWEALTH'S PROPOSED FINDINGS OF FACT**

1.       Jamie L. Cale, L.P.N., was issued License No. 0002-063502 to practice nursing by the Virginia Board of Nursing on April 30, 2002. Said license was mandatorily suspended by Order entered November 29, 2007. By Order of the Board dated December 12, 2014, said license was reinstated and suspended indefinitely, with the suspension stayed subject to certain terms and conditions. The stay was summarily rescinded on June 12, 2015. Ms. Cale's primary state of residence is Virginia.

2.       By Order of the Board of Nursing entered December 12, 2014 ("Board's Order"), the Board reinstated and suspended Ms. Cale's license, with the suspension stayed contingent on Ms. Cale's entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP").

3. Ms. Cale signed a Participation Contract with the HPMP on December 9, 2014, and a Recovery Monitoring Contract with HPMP on March 9, 2015. Ms. Cale failed to comply with the terms of the HPMP in that on March 3, 2015, Ms. Cale received a positive EtS result for alcohol use, and on March 9, 2015, she received a positive EtG/EtS result for alcohol use.

4. Ms. Cale resigned from HPMP verbally on March 16, 2015, and in writing on March 19, 2015, and her resignation was not accepted. She was dismissed from HPMP effective May 15, 2015. Between March 19, 2015, and the date of her dismissal, Ms. Cale failed to comply with the HPMP toxicology screening program.

5. Ms. Cale testified that she does not understand why HPMP would not allow her to go back to work, and that she was frustrated by the program. She further testified that she would be unable to be compliant with HPMP.

6. Ms. Cale testified she would need to take a refresher course prior to ever returning to practice.

7. At the hearing, Ms. Cale blamed the positive drug screens on use of personal care products containing alcohol. She stated that alcohol was not a problem for her and stated that the last alcohol she drank was in December 2014.

### CONCLUSIONS OF LAW

Findings of Fact Nos. 3 and 4 constitute violations of Term 1 of the Board's Order entered December 12, 2014, and § 54.1-3007(6) of the Code.

### ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Jamie L. Cale, L.P.N., is hereby REPRIMANDED.

2. License No. 0002-063502 issued to Jamie L. Cale, L.P.N., to practice practical nursing in the Commonwealth of Virginia shall be CONTINUED on INDEFINITE SUSPENSION for a period of not less than one year.

3. The license of Jamie L. Cale, L.P.N., will be recorded as SUSPENDED. Should Ms. Cale seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license privilege prior to issuance of her license to resume practice.

4. At such time as Ms. Cale shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of practical nursing.

5. This Order shall be applicable to Ms. Cale's multistate licensure privileges, if any, to practice practical nursing.

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.

FOR THE BOARD

*per* Glenn Mitchell-Lundy  
Jay P. Douglas, MSM, RN, CSAC, FJNE  
Executive Director  
Virginia Board of Nursing

September 30, 2015  
ENTERED

Certified True Copy

By draham  
Virginia Board Of Nursing

## **NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.