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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: ERIN EVERITT, R.N.
License No.: 0001-208301**

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Nursing ("Board") on October 27, 2014 in Henrico County, Virginia, to inquire into evidence that Erin Everitt, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Everitt was present and was not represented by counsel.

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

FINDINGS OF FACT

1. Erin Everitt, L.P.N., was issued License No. 0001-208301 to practice as a professional nurse in the Commonwealth of Virginia on July 19, 2007. Said license is set to expire on May 31, 2015. Ms. Everitt's primary state of residence is Virginia.
2. By letter dated October 1, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Everitt notifying her that an informal conference would be held on October 27, 2014. The Notice was sent by certified and first class mail to Post Office Box 337, Wirtz, Virginia, 24184 the address of record on file with the Board of Nursing. The Notice was also sent to 2728 Beverly Blvd., SW, Roanoke, Virginia, a secondary address.
3. Term No. 1 of the Board's Order entered December 14, 2010 required Ms. Everitt to comply with the Health Practitioners' Monitoring Program ("HPMP") and its terms. On January 27, 2014, Ms. Everitt

was dismissed from the HPMP due to four missed calls to the test line and repeated noncompliance. Ms. Everitt was previously warned about late submissions of her paperwork, missed meetings and missed treatment sessions. Ms. Everitt admitted that she was not in compliance with her drug screens and that she did not wish to participate in the HPMP and "sabotaged" her success in the program.

4. On her application for employment with Mount Regis Center, Salem, Virginia, dated January 6, 2012, Ms. Everitt falsely indicated she had left her employment with SunTrust Bank to attend nursing school. By her own admission, Ms. Everitt was terminated from SunTrust Bank for leaving a safe unsecured.

5. On her application for employment with the Country Bear Day School, Roanoke, Virginia, dated March 13, 2014, Ms. Everitt falsely indicated she left her employment with Carilion Clinic, Roanoke, Virginia due to pregnancy. Ms. Everitt was terminated from Carilion Clinic on May 3, 2010. At the informal conference Ms. Everitt indicated she was untruthful on her application because she did not want to disclose her mental illness to potential employers.

6. Ms. Everitt has received treatment for bipolar disorder and anxiety disorder and she has experienced symptoms of depression. In 2013, Ms. Everitt received a diagnosis of post traumatic stress disorder. She has not received any therapy since approximately March 2014 but she has an appointment scheduled with a therapist for next week to continue treatment. She is currently prescribed Celexa and is seeking a new physician.

7. Ms. Everitt is currently employed with the Country Bear Day School as a teacher; she has not told her employer about her prior Board Order.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of Term No. 1 of the Board's Order.
2. Findings of Fact No. 4 and 5 constitute a violation of §54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing ("Regulations").

3. Finding of Fact No. 6 constitutes a violation of §54.1-3007(6) of the Code.
4. Based on the above Findings of Fact, the Committee concludes that Erin Everitt, R.N., is a candidate for the Health Practitioners' Monitoring Program ("HPMP").

CONSENT

Erin Everitt, 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 formal fact finding hearing 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 a formal hearing;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice as a professional nurse in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. License No. 0001-208301 of Erin Everitt, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.

3. At such time as Ms. Everitt 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 nursing. Ms. Everitt 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 shall be STAYED upon proof of Ms. Everitt's re-entry into the HPMP and continued compliance with a Recovery Monitoring Contract. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Everitt shall comply with all terms and conditions of the HPMP 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. Everitt, 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. Everitt is not in compliance with the terms and conditions specified by the HPMP;
- ii. Ms. Everitt's participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms. Everitt involving a violation of law, regulation, or any term or condition of this order.

5. Ms. Everitt shall be noticed to appear before the Board at such time as the Board is notified that Ms. Everitt has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Everitt's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Everitt's appearance before the Board and conduct an administrative review of this matter.


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

7. Ms. Everitt is hereby REPRIMANDED.

8. Ms. Everitt 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



Jane Ingalls, R.N., Ph.D.
President, Virginia Board of Nursing

ENTERED: Jan. 27, 2015

SEEN AND AGREED TO:



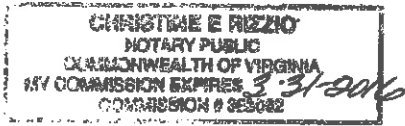
Erin Everitt, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Roanoke, TO WIT:

Subscribed and sworn to before me, CHRISTINE E RIZZIO, a Notary Public, this 3 day of DEC., 2014

My commission expires 3/31/2016.

Registration Number 353065.



Christine E. Rizzio
NOTARY PUBLIC

Certified True Copy

By [Signature]
Virginia Board of Nursing