

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**ERIN NICOLE LYNCH EVERITT, R.N.**

**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 October 6, 2010, in Henrico County, Virginia. Erin Nicole Lynch Everitt, R.N., was present at this proceeding and was not represented by legal counsel. Janet B. Younger, serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 17, 2010, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Everitt 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. Erin N. L. Everitt, R.N., was issued License No. 0001-208301 to practice professional nursing in Virginia on July 19, 2007. The license is scheduled to expire on May 31, 2011. Her primary state of residence is Virginia.

2. By letter dated September 7, 2010, 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 6, 2010. The Notice was sent by certified and first class mail to 2412 Carolina Avenue, SW, Roanoke, Virginia 24014, the address of record on file with the Board of Nursing.

3. During the course of her employment with Carilion Roanoke Memorial Hospital, Roanoke, Virginia, by her own admission:

a. On April 25, 2010, Ms. Everitt failed to execute a physician's order regarding a potassium infusion for Patient A.

b. On February 1, 2010, Ms. Everitt failed to perform a physical examination on Patient B, which would have revealed the presence of a large hematoma on Patient B's left arm, and she failed to document the performance of a physical examination on Patient B.

c. On December 21, 2009, Ms. Everitt failed to respond to Patient C's deteriorating condition in an appropriate manner, despite being aware of her rapidly declining respiratory function.

d. On January 15, 2008, Ms. Everitt failed to draw samples from Patient D for physician-ordered laboratory work and administer certain medications as ordered by Patient D's physician.

e. On January 15, 2008, Ms. Everitt failed to complete the CIWA protocol assessment documentation for Patient E.

f. On January 14 and 15, 2008, Ms. Everitt failed to document the heparin infusion rate on the nursing flow sheet for Patient F.

g. On January 14, 2008, Ms. Everitt failed to document Patient G's urine and chest tube for 12 hours, and she failed to document Patient G's chest tube site incision. Ms. Everitt also failed to administer a topical ointment to Patient G even though she documented the administration of the ointment.

h. On January 14, 2008, Ms. Everitt failed to document Patient H's bolus feeding tube for 12 hours, she failed to complete Patient H's nursing physical assessment, and she failed to discontinue the Foley catheter as directed by Patient H's physician.

i. As a result of the above performance issues, Ms. Everitt's three-year employment was terminated.

4. Ms. Everitt took a leave of absence from her employment in November 2009 due to anxiety.

5. During the course of her employment Ms. Everitt was given corrective actions on four occasions, and she had multiple unscheduled absences. She attributed documentation problems to panic, stress and difficulty concentrating. She also stated at the informal conference that she needs to work in a slower-paced setting than the intensive care unit where she was working at Carilion.

Ms. Everitt stated at the informal conference that she was hospitalized in a psychiatric facility in 2000 for depression, anxiety and panic secondary to experiencing auditory hallucinations. She was also previously diagnosed as having schizoaffective disorder, tobacco use and polysubstance abuse. She continues to have depression, anxiety and panic disorder, with possible additional diagnoses of bipolar disorder and attention deficit disorder. At the informal conference, Ms. Everitt also indicated that she discontinued taking the antidepressant, Effexor, as prescribed by her primary care physician, due to pregnancy. She reported currently seeing a nurse practitioner twice a month and taking the antidepressant, Celexa, as prescribed.

6. Ms. Everitt signed a Participation Contract with the Health Practitioners' Monitoring Program on June 4, 2010, and stated at the informal conference that she intends to remain in compliance. She has not signed a Recovery Monitoring Contract, and she has not been approved to work by HPMP.

#### **Recommended Conclusions of Law**

1. Findings of Fact No. 3(a) through 3(h) constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing.

2. Findings of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.

**ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION contingent on Erin N. L. Everitt, R.N.'s continued compliance with the terms and conditions set forth by the HPMP for the period specified by the HPMP.

2. This Order is applicable to Ms. Everitt's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. 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.

3. 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.

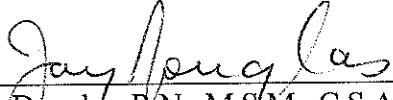
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Everitt and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked. Upon receipt of information that Ms. Everitt has successfully completed the HPMP, the Board, at its discretion, may waive Ms. Everitt's appearance before the Board and conduct an administrative review of this matter.

This Order is subject to appeal to the Board. If Ms. Everitt desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite

300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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.

FOR THE BOARD

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

Entered: December 14<sup>th</sup>, 2010