

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: ESPADANZA L. DUARTE, R.M.A.
 a.k.a. Espadanza L. Duarte-McCurdy, R.M.A.
 Registration No.: 0031-005192**

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 14, 2015, in Henrico County, Virginia, to inquire into evidence that Espadanza L. Duarte, R.M.A., may have violated certain laws and regulations governing medication aide practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. James E. Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Ms. Duarte was not 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.

FINDINGS OF FACT

1. Espadanza L. Duarte, R.M.A., was issued Registration No. 0031-005192 to practice as a medication aide by the Virginia Board of Nursing on July 20, 2011. Said registration was summarily suspended by Order of the Board entered July 22, 2015.
2. Based upon the representations of Tammie D. Jones and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. During the course of her employment with Greenfield of Woodstock, Woodstock, Virginia, from November 25, 2014 to February 23, 2015, by her own admission, Ms. Duarte diverted approximately 1,577 unit doses of oxycodone and hydrocodone (both C-II), from resident stock for her personal and

unauthorized use. Ms. Duarte accomplished the diversion by documenting the administration of narcotic medications which she failed to administer, and by removing the pill identification labels on tramadol (C-IV), acetaminophen or meclizine medication cards and switching them with the pill identification labels on the narcotic medication cards, keeping the narcotics for her personal use while the residents actually received the switched medications.

4. Ms. Duarte's employment was terminated on February 23, 2015.

5. On June 24, 2015, in the Circuit Court of Shenandoah County, Virginia, Ms. Duarte pled guilty to and was convicted of two counts of misbranding drugs, a misdemeanor involving moral turpitude. She was sentenced to six months in jail, suspended, placed on probation for one year and ordered to pay \$401.00 in court costs.

6. On June 24, 2015, in the Circuit Court of Shenandoah County, Virginia, Ms. Duarte pled guilty to obtaining a prescription by fraud and possession of a Schedule I or II drug. Disposition was deferred and she was placed on probation for one year.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (3), (5) (6) and (8) of the Code and 18 VAC 90-60-110(A)(2) and 18 VAC 90-60-120(2)(c), (d), (f) and (m) of the Regulations Governing the Registration of Medication Aides.

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(4) of the Code.

ORDER

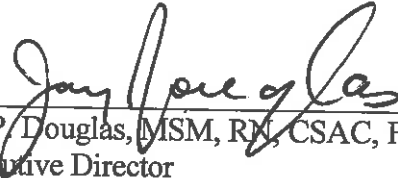
WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Registration No. 0031-005192 issued to Espadanza L. Duarte, R.M.A., to practice as a medication aide in the Commonwealth of Virginia, is hereby REVOKED.

2. The registration of Ms. Duarte will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Ms. Duarte seek reinstatement of her registration after three years, she shall be responsible for any fees that may be required for the reinstatement of her registration prior to issuance of her registration to resume practice. The reinstatement of Ms. Duarte's registration shall require the affirmative vote of three-fourths of the members at a meeting of the Board.

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



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing



ENTERED

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.

Certified True Copy

By 

Virginia Board Of Nursing