

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       PRICILIA C. FOX, L.P.N.**  
**License No.: 0002-075841**

**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 June 1, 2015, in Henrico County, Virginia. Pricilia C. Fox, L.P.N., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 16, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Fox 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. Pricilia C. Fox, L.P.N., was issued License No. 0002-075841 to practice practical nursing in Virginia on May 30, 2007. The license is scheduled to expire on September 30, 2016. Her primary state of residence is Virginia.

2. By letter dated May 12, 2015, the Board sent a Notice of Informal Conference ("Notice") to Ms. Fox notifying her that an informal conference would be held on June 1, 2015. The Notice was sent by certified and first class mail to 8 Hites Spring Road, Luray, Virginia 22835, the address of record on file with the Board of Nursing.

3. During the course of her employment with Harrisonburg Health and Rehabilitation Center, Harrisonburg, Virginia, Ms. Fox diverted several hundred controlled substances, including

oxycodone 5mg tablets (C-II), methylphenidate HCL 5mg tablets (C-II), hydrocodone-acetaminophen 5mg/325 tablets (C-II), and alprazolam 0.5mg tablets (C-IV), for her own personal and unauthorized use, as evidenced by an audit of five patient records covering a 30-day period, which revealed multiple discrepancies in her administration and documentation. These discrepancies involved numerous instances where it was noted that narcotic medications had been dropped or wasted, without witnesses, and where narcotic medications were documented as being removed with no corresponding documentation of administration, return, or waste. Ms. Fox refused to submit to a urine drug screen. As a result, her employment was terminated on November 7, 2014.

4. On December 17, 2014, Ms. Fox submitted to a urine drug screen at the request of an investigator with the Virginia Department of Health Professions, which was positive for tramadol (C-IV), for which she did not have a valid prescription.

5. At the informal conference, Ms. Fox admitted that she has physical problems, including numbness and tingling hands and loss of sensation from a neck injury. She denied diverting any medications from Harrisonburg Health and Rehabilitation Center, but acknowledged issues with her documentation. She attributed clumsiness to the numerous instances where it was noted that narcotic medications had been dropped, and stated that it was too busy and it would have been difficult to get another nurse to leave his/her area long enough to observe those instances when she wasted medications. She also denied practicing impaired and denied having a substance abuse problem. She indicated that she did not need to enter the Health Practitioners' Monitoring Program.

6. Ms. Fox reported that she has been employed with Augusta Health and Rehabilitation Center since December 29, 2014.

#### CONCLUSIONS OF LAW

1. Finding of Fact #3 constitutes a violation of § 54.1-3007(2), (3), (5), (6), and (8) of the

Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact #4 constitutes a violation of § 54.1-3007(6) of the Code.

**ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. Pricilia C. Fox, L.P.N., shall have a physical evaluation by a Board-approved orthopedist or neurosurgeon and a mental health/chemical dependency evaluation by a mental health specialist satisfactory to the Board and shall have written reports of the evaluations, including diagnoses, recommended courses of therapy, prognoses, and any recommendations sent to the Board within 90 days after the date that this Order is entered. Upon receipt of the required information, the Board may request that Ms. Fox reappear before a Special Conference Committee or Agency Subordinate in order to consider the recommendations and to make a final disposition of the matter.

2. Ms. Fox shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

3. 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. Fox, and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Fox may, not later than 5:00 p.m., on **October 26, 2015**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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 BOARD:

*for* *Gloria Mitchell-Lively*  
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

ENTERED: *September 23, 2015*

This Order shall become final on October 26, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By *L. Math*  
Virginia Board Of Nursing