

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JOYCE FLETCHER, R.N.
License No.: 0001-165068**

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on August 11, 2014, in Henrico County, Virginia, to inquire into evidence that Joyce Fletcher, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. Ms. Fletcher was not present and was not represented by counsel.

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

FINDINGS OF FACT

1. Joyce Fletcher, R.N., was issued License No. 0001-165068 to practice professional nursing in the Commonwealth of Virginia on July 8, 1999. Said license expires on October 31, 2015. Ms. Fletcher’s primary state of residence is Virginia.
2. By letter dated July 15, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Fletcher notifying her that an informal conference would be held on August 11, 2014. The Notice was sent by certified and first class mail to 3149 Nealy Ridge, Clinchco, Virginia, 24228, the address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail was signed by Ms. Fletcher and returned to the Board office on July 21, 2014. The Notice sent via first-class mail was not returned to the Board office. The Committee Chair concluded that adequate notice was provided to Ms. Fletcher and the informal conference proceeded in her absence.

3. During the course of her employment with Heritage Hall - Clintwood, on October 14, 2013, Ms. Fletcher submitted to a for-cause drug screen, which was positive for oxymorphone (Schedule II), benzodiazepines, including lorazepam (Schedule IV), and opiates, including hydrocodone (Schedule III). Ms. Fletcher did not have prescriptions for oxymorphone or lorazepam.

4. Ms. Fletcher had prescriptions for Xanax, Ambien and Lortab. She was being treated for anxiety, a sleeping disorder and back pain.

5. Ms. Fletcher's ten-year employment with Heritage Hall - Clintwood was terminated on October 31, 2013.

6. Ms. Fletcher stated to the investigator for the Department of Health Professions that she had taken Ativan belonging to a family member and that she had taken oxycodone from an old prescription she had. She provided no explanation for the oxymorphone.

7. Ms. Fletcher submitted a letter to the Board, which was received on August 4, 2014, in which she stated that she was unable to attend the informal conference due to lack of transportation, but that she took the proceeding before the Board seriously.

8. Ms. Fletcher continues to practice nursing.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) and (6) of the Code.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The Committee shall TAKE NO ACTION at this time, contingent upon Joyce Fletcher's compliance with the following terms and conditions:

a. Ms. Fletcher shall enter into the Health Practitioners' Monitoring Program ("HPMP"), pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the

HPMP, and shall have proof of entry into a Contract with the HPMP provided to the Board within 45 days of the date this Order is entered.

b. Thereafter, Ms. Fletcher shall comply with the terms and conditions of the HPMP for the period specified by the HPMP.

2. This order shall be applicable to Ms. Fletcher's multistate licensure privilege, if any, to practice professional nursing. For the duration of this Order, Ms. Fletcher shall not work outside 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. Fletcher wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Fletcher, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Fletcher shall be noticed to appear before the Board at such time as the Board is notified that:

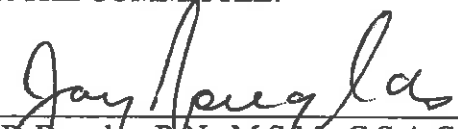
- a. Ms. Fletcher has failed to make application to the HPMP;
- b. Ms. Fletcher is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- c. There is a pending investigation or unresolved allegation against Ms. Fletcher involving a violation of law or regulation or any term or condition of this Order; or
- d. Ms. Fletcher has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Fletcher's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Fletcher's appearance before the Board and conduct an administrative review of this matter.

4. Ms. Fletcher 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 on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Fletcher may, not later than 5:00 p.m., on September 29, 2014, notify Jay P. Douglas, 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 COMMITTEE:


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

ENTERED: August 27th, 2014

This Order shall become final on September 29, 2014, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing