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AUG 25 2015

VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SAMANTHA DAY, R.N.
License No.: 0001-254124

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Samantha Day, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Day's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Samantha Day, R.N. was issued License No. 0001-254124 to practice professional nursing by the Virginia Board of Nursing on August 28, 2014. Said license is set to expire on April 30, 2017. Her primary state of residence is Virginia. She previously held a license to practice professional nursing in the State of Florida, which she voluntarily relinquished in August 2013.
2. By Consent Order of the Board entered July 29, 2014 ("Board's Order"), the Board granted Ms. Day's application for licensure by endorsement to practice professional nursing, contingent on her entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP").
3. Ms. Day entered into a Participation Contract with the HPMP on August 11, 2014 and a Recovery Monitoring Contract on November 3, 2014.
4. On December 16, 2014, Ms. Day was dismissed from the HPMP due to noncompliance with her program contract. Specifically, she failed to comply with the toxicology screening program and to respond to HPMP communication.

5. Ms. Day signed a new Participation Contract with the HPMP on March 12, 2015. She signed a Recovery Monitoring Contract on May 4, 2015.
6. Ms. Day has been convicted of the following offenses involving substance abuse:
 - a. On October 2, 2014, in the General District Court of Chesterfield County, Virginia, she was convicted of misdemeanor driving while intoxicated, for an offense that occurred on July 28, 2014.
 - b. On October 6, 2014, she waived trial, pled guilty, and prepaid the fine on a misdemeanor charge of public intoxication, for an offense that occurred on September 5, 2014.
 - c. On November 13, 2014, in the Circuit Court of Chesterfield County, she was convicted of misdemeanor possession of drug paraphernalia, for an offense that occurred on February 5, 2014.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of Term No. 1 of the Board's Order and § 54.1-3007(6) of the Code of Virginia (1950), as amended ("Code").
2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

Samantha Day, 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 an informal fact finding conference 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 an informal conference;

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 professional nursing 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. 0001-254124 of Samantha Day, R.N. is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Day 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 professional nursing. Ms. Day 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 applies to any multistate privilege to practice professional nursing.
5. This suspension shall be STAYED upon Ms. Day's continued compliance with the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Ms. Day shall comply with all terms and conditions 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. Day, 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. Day is not in compliance with the terms and conditions specified by the HPMP;
- ii. Ms. Day's participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms. Day involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Day's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Day's appearance before the Board and conduct an administrative review of this matter, at which time Ms. Day may be issued an unrestricted license to practice professional nursing.

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

8. Ms. Day is hereby REPRIMANDED.

9. Ms. Day 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

Joyce A. Hahn
Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
President, Virginia Board of Nursing

ENTERED: 9/15/15

SEEN AND AGREED TO:

Samantha Day
Samantha Day, R.N.

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

Subscribed and sworn to before me, Tamara L. George a Notary Public, this 18th day of August, 2015.

My commission expires 8/31/2015.

Registration Number 7126589.

Tamara L. George
NOTARY PUBLIC

TAMARA L. GEORGE
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES AUG. 31, 2015
COMMISSION # 7126589

Certified True Copy
By M. Bawlor
Virginia Board of Nursing