

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MARY E. LYNCH, R.N. APPLICANT

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 17, 2015 in Henrico County, Virginia, to receive and act upon the application of Mary E. Lynch for licensure by endorsement to practice professional nursing and to inquire into allegations that grounds may exist to deny said application.. Ms. Lynch was 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. On March 4, 2015, Mary E. Lynch submitted an application for licensure by endorsement to practice professional nursing in the Commonwealth of Virginia. Ms. Lynch holds a current license to practice professional nursing in the State of Pennsylvania and expired licenses in the States of New Jersey and Washington. Her primary state of residence is Pennsylvania. She also holds an unrestricted license to practice as a nurse practitioner issued by the Pennsylvania Board of Medicine.
2. By letter dated July 9, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Lynch notifying her that an informal conference would be held on August 17, 2015. The Notice was sent by certified and first class mail to 44 County Bridge Road, East Stroudsburg, PA 18301, the address of record on file with the Board of Nursing.
3. By Consent Agreement and Order entered February 28, 2005, the Pennsylvania Board of Nursing suspended Ms. Lynch's license to practice professional nursing and then stayed the suspension

subject to certain terms and conditions, based on findings that she had tested positive for tramadol, for which she did not have a valid prescription, while enrolled in the Pennsylvania Professional Health Monitoring Program Voluntary Recovery Program.

4. By Order entered July 30, 2008, the Pennsylvania Board of Nursing found that during the course of her employment with Easton Hospital, in 2005, Ms. Lynch had diverted controlled substances for her personal and unauthorized use, fraudulently documented hospital records, and substituted prescribed patient medications for unprescribed medications. The Order suspended Ms. Lynch's license to practice professional nursing in Pennsylvania for two years. Her license was reinstated subject to probation and monitoring by Order of the Pennsylvania Board of Nursing entered April 8, 2011.

5. The Pennsylvania Board of Nursing terminated Ms. Lynch's probation and issued her an unrestricted license in May 2014.

6. Ms. Lynch stated at the informal conference that she diverted Percocet after becoming addicted from a legitimate prescription. She reported her diversion in August 2005. She stated that her sobriety date was August 8, 2005. To maintain sobriety, she attends AA meetings four times per week and has a sponsor. She is not on any medications.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(7) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2), (5), (6), (7), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c), (e), and (f) of the Regulations Governing the Practice of Nursing.
3. Ms. Lynch otherwise meets the requirements of § 54.1-3017 and 54.1-3018 of the Code.

ORDER

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

1. The application of Mary E. Lynch for licensure to practice professional nursing in Virginia is APPROVED. Ms. Lynch shall be issued a license marked "Valid in Virginia only."

2. Ms. Lynch 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. Lynch may, not later than 5:00 p.m., on October 7, 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 COMMITTEE:

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 4, 2015*

This Order shall become final on October 7, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By *D. Bowen*
Virginia Board of Nursing