

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KRISTY ADAMS, R.N.
License No.: 0001-216522**

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 inquire into evidence that Kristy Adams, R.N. may have violated certain terms and conditions of probation imposed on her license to practice professional nursing in Virginia, as set forth in the Order of the Board entered on December 12, 2012, and to receive and act upon Ms. Adams’ petition for release from probation. Ms. Adams 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. Kristy Adams, R.N. was issued License No. 0001-216522 to practice professional nursing in the Commonwealth of Virginia on December 4, 2008. Said license is valid in Virginia only and expires on November 30, 2016. Her primary state of residence is Virginia.

2. By letter dated July 9, 2015, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Adams notifying her that an informal conference would be held on August 17, 2015. The Notice was sent by certified and first class mail to 143 Northvail Drive, Madison Heights, Virginia 24572, the address of record on file with the Board of Nursing.

3. By Order entered December 14, 2012 (“Board’s Order”), the Board reprimanded Ms. Adams and placed her on indefinite probation under certain terms and conditions for not less than one year of actual nursing practice.

4. Ms. Adams submitted a petition for release from probation, which was received by the Board on December 19, 2014.

5. Term No. 2(b) of the Board’s Order required Ms. Adams to inform the Board in writing within then days of the date she began nursing practice or changed nursing employment, or if any interruption in nursing employment occurred. Ms. Adams began employment with Dr. Byrd of Reproductive Healthcare Associates on November 25, 2013. She did not report this employment until December 17, 2013. Her employment with Reproductive Healthcare Associates ended in May 2014, when Dr. Byrd closed her practice, but she did not report this change until July 23, 2014.

6. Term No. 2(e) of the Board’s Order required Ms. Adams to have her employer submit quarterly performance evaluations. The Board did not receive a performance evaluation for the period ending December 31, 2013. The evaluations for the periods ending June 30, September 30, and December 31, 2014, were all received on December 22, 2014.

7. Term No. 2(f) of the Board’s Order required Ms. Adams to submit self-reports within 60 days of the entry of the Order and quarterly thereafter. She failed to submit the report due February 12, 2013. She submitted six subsequent reports either more than five days early or more than five days late.

8. Ms. Adams stated at the informal conference that she worked for Dr. Byrd approximately 20 hours per week while the practice was still open. She stated that for approximately six months after Dr. Byrd closed her practice, she continued to work from her home for Dr. Byrd four to six hours per week, taking patient calls and doing paperwork. She blamed Dr. Byrd for failing to submit timely performance evaluations.

CONCLUSIONS OF LAW

1. Finding of Fact No. 5 constitutes a violation of Term No. 2(b) of the Board's Order.
2. Finding of Fact No. 6 constitutes a violation of Term No. 2(e) of the Board's Order.
3. Finding of Fact No. 7 constitutes a violation of Term No. 2(f) of the Board's Order.
4. The Committee concludes that Ms. Adams has not satisfied the terms of her probation.

ORDER

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

1. Kristy Adams, R.N., is hereby REPRIMANDED.
2. Ms. Adams' petition for release from probation is DENIED.
3. Ms. Adams shall be continued on INDEFINITE PROBATION for not less than one year of actual nursing practice from the date of entry of this Order, subject to the following terms and conditions:
 - a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Adams has completed one year of active employment as a professional nurse. The license of Ms. Adams shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 *et seq.* of the Code, and § 54.1-2400(9) of the Code.
 - b. Ms. Adams shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Adams shall provide the name and address of each employer to the Board.
 - c. Ms. Adams shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy

of this Order. If Ms. Adams is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

d. Ms. Adams shall practice nursing only in a structured/supervised employment setting satisfactory to the Board for the first 12 months after being placed on probation. This employment setting shall provide on-site supervision by a physician or professional nurse who works the same shift, works on the same level of the building, and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Adams shall have all current and all prospective employers provide a written description of the employment setting to the Board office for approval.

e. While employed, Performance Evaluations shall be provided, at the direction of Ms. Adams, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered, if Ms. Adams is working as a nurse. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

f. Ms. Adams shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

4. This order shall be applicable to Ms. Adams' multistate licensure privilege, if any, to practice professional nursing. For the duration of this Order, Ms. Adams 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 she wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

5. Ms. Adams 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.

6. 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. Adams and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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. Adams may, not later than 5:00 p.m., on October 5, 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 Alaria Mitchell-Lundy
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director, Virginia Board of Nursing

ENTERED: September 2, 2015

This Order shall become final on October 5, 2015; unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By D. Swales
Virginia Board of Nursing