

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KELLY M. CONN, R.N.
License No.: 0001-256220

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on November 19, 2015, in Henrico County, Virginia, to inquire into evidence that Kelly M. Conn, R.N. may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Anne Glick Joseph, Deputy Director, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Conn was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Kelly M. Conn, R.N. was issued single-state License No. 0001-256220 to practice professional nursing in Virginia on January 26, 2015. Said license was summarily suspended by Order of the Board entered August 27, 2015. Ms. Conn also holds licenses to practice professional nursing in the States of Florida and Maryland. The Florida license expired on April 30, 2015, and the Maryland license is scheduled to expire on March 28, 2016. Her primary state of residence is Florida.
2. Based on the representations of Anne Joseph and Commonwealth's Exhibit #1, the Order of Summary Suspension, Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. During the course of her employment with AMN Healthcare, a nurse staffing agency:

a. While assigned to Chippenham Johnston Willis Medical Center, Richmond, Virginia (“CJW”), on May 2, 2015, Ms. Conn appeared impaired while on duty. Specifically, she was noted to have slurred speech, glazed eyes, and a stumbling gait. She left the floor for over 30 minutes less than an hour after beginning her shift.

b. While assigned to Johns Hopkins Medical Center, Baltimore, Maryland, during orientation in January 2015, Ms. Conn was noted to be impaired, in that she appeared sleepy despite drinking a large amount of caffeine and made bizarre, inappropriate comments.

c. While assigned to CJW, Ms. Conn diverted narcotic medications from patient supplies for her unauthorized use or the use of another, as evidenced by the following:

i. On March 17, 2015, at 1619, Ms. Conn withdrew two oxycodone tablets (C-II) for Patient A, but failed to document administration of this medication. Further, she documented wasting 10 tablets at 1636 hours.

ii. On March 18, 2015, at 2302, she withdrew one hydrocodone tablet (C-II) for Patient B, but failed to document administration of this medication. Further, she documented wasting “0” tablets at 2304 hours.

iii. On March 23, 2015, at 2152, she withdrew 10ml Hycet (hydrocodone) for Patient C, who had an order for Hycet at 0800 and 1700. She then documented administering this medication at 2137 hours. She also noted at 1617, with respect to Hycet, “med not available at time of admin. PRN Norco given instead and hycet given now that it’s available.”

iv. On March 24, 2015, at 1814, she withdrew one hydrocodone tablet for Patient D, but failed to document administration or wastage of this medication.

v. On March 25, 2015, at 1742, she withdrew one tablet of hydrocodone for Patient C, but failed to document administration or wastage of this medication. Patient C was discharged at 1752. Further, Ms. Conn had administered liquid hydrocodone to Patient C at 1700.

vi. On March 29, 2015, at 2356, she withdrew two oxycodone tablets for Patient E, but failed to document administration of this medication. Further, at 2359, she documented wasting 10 oxycodone tablets.

vii. On March 31, 2015, at 2224, she withdrew two oxycodone tablets for Patient E, but failed to document administration of this medication. Further, at 2307, she documented wasting "0" oxycodone.

viii. On March 31, 2015, at 2234, she withdrew one hydrocodone tablet for Patient E, but failed to document administration or wastage of this medication.

ix. On May 2, 2015, at 2145, she documented administering oxycodone to Patient F, who denied receiving the medication.

4. Patient F told an investigator for the Department of Health Professions ("DHP") on May 8, 2015, that he recalled that on May 2, 2015, Ms. Conn came into his room and stood by his bed, attempting to read him some information. As she tried to read from the paper, Ms. Conn was falling forward and her speech was slurred. As she left the room, her gait was impaired and she stumbled several times. Patient F told the investigator that Ms. Conn appeared to be drunk. He stated that she never gave him any medication. He reported his concerns about Ms. Conn to another nurse.

5. Johns Hopkins Medical Center and CJW both terminated Ms. Conn's assignments. Her employment with AMN Healthcare was terminated due to the complaints from Johns Hopkins and CJW.

6. In an email message to the DHP investigator dated August 31, 2015, Ms. Conn stated, "I decided months ago to leave the healthcare profession. I'm experiencing multiple health issues and am currently out of any type of work per physician orders. Because I will not be practicing nursing any more, I feel that it is unnecessary for me to go through the motion of fighting this. I honestly don't have it in me. That being said, you may revoke my license as the Board sees fit."

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 3(a) and (b) constitute violations of § 54.1-3007(5) and (6) of the Code.
2. Findings of Fact Nos. 3(c)(i) through 3(c)(ix) constitute violations § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0001-256220 issued to Kelly M. Conn, R.N. to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED for a period of not less than two years.
2. The license of Ms. Conn will be recorded as SUSPENDED. Should Ms. Conn seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license privilege prior to issuance of her license to resume practice.
4. At such time as Ms. Conn shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.
5. This Order shall be applicable to Ms. Conn's multistate licensure privileges, if any, to practice professional nursing.

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.

FOR THE BOARD

Jay P. Douglas
Alaina Mitchell-Lively
Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

December 3, 2015
ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By *dgraham*
Virginia Board Of Nursing