

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TAMMY STURGILL GAUL, R.N.
License Number: 0001-149324
Case Number: 172034

RATIFICATION AND ORDER


On November 16, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Tammy Sturgill Gaul, R.N. was not present nor was she represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

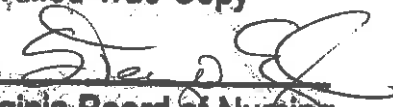
Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Since Ms. Gaul failed to appear at the informal conference, this Order shall be considered final. Ms. Gaul has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Gaul has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD


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

Certified True Copy

By 
Virginia Board of Nursing

ENTERED AND MAILED ON:

November 30TH 2016

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TAMMY STURGILL GAUL, R.N.
License Number: 0001-149324
Case Number: 172034

REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on August 16, 2016 in Henrico County, Virginia, to inquire into evidence that Tammy Sturgill Gaul, R.N. may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Gaul did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated July 18, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Gaul notifying her that an informal conference would be held on August 16, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. The certified mail receipt was signed and returned to the Board on July 25, 2016. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Gaul and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Tammy Sturgill Gaul, R.N. was issued License Number 0001-149324 to practice professional nursing on July 11, 1996, which is scheduled to expire on August 31, 2017. At all times relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.
2. By Order of the Board entered August 14, 2015, the Board took no action against Ms. Gaul's license contingent upon her continued compliance with the Health Practitioners' Monitoring Program ("HPMP"). This Order was based on Ms. Gaul's admitted diversion of Percocet (C-II) from her employer.
3. Tammy Sturgill Gaul, R.N. violated Virginia Code § 54.1-3007(6) and Term Number 1(a) of the Board's Order, which required her continued compliance with the terms and conditions of the HPMP, in that on February 5, 2016, Ms. Gaul was dismissed from the HPMP due to noncompliance with her Recovery Monitoring Contract for failure to comply with treatment, continued use of substances and failure to comply with the toxicology screening program.
4. The HPMP case manager for Ms. Gaul reported that Ms. Gaul admitted to continued use of Adderall despite having no valid prescription for it. On October 23, 2015, Ms. Gaul's urine toxicology screen was positive for an amphetamine and methamphetamine. On November 13, 2015, she tested positive for an amphetamine. On December 11, 2015, she tested positive for methamphetamine.
5. Ms. Gaul's HPMP case manager gave Ms. Gaul a deadline to enter into inpatient treatment by December 21, 2015. On December 22, 2015, Ms. Gaul stopped calling the drug screen test line and notified her HPMP case manager that she was resigning from the program due to her inability to afford the recommended inpatient treatment.

6. Ms. Gaul is not currently employed as a nurse and has told her HPMP case manager that she no longer wishes to practice.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. Tammy Sturgill Gaul is REPRIMANDED.
2. The license issued to Tammy Sturgill Gaul to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
3. The license of Tammy Sturgill Gaul will be recorded as SUSPENDED.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. Should Tammy Sturgill Gaul seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Tammy Sturgill Gaul to demonstrate that she is safe and competent to return to the practice of nursing. Tammy Sturgill Gaul shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Reviewed and approved on September 29, 2016
By Allison Gregory, M.S., R.N., F.N.P.-B.C.
Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing