



COMMONWEALTH of VIRGINIA

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

May 4, 2015

Tabitha N. Thrasher, L.P.N.
221 Treetop Rd.
Rocky Mount, VA 24151

CERTIFIED MAIL
9414 7266 9904 2028 4676 62

RE: VA License No.: 0002-076765
Expiration Date: June 30, 2015

Dear Ms. Thrasher.:

This letter is official notification that an informal conference of the Virginia Board of Nursing (“Board”) will be held on **May 26, 2015 at 10:30 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws and regulations governing practical nursing practice in Virginia.

Specifically:

1. During the course of your employment with Avante at Roanoke, Roanoke, Virginia (“Avante”), you may have violated § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing (“Regulations”), in that you diverted controlled substances and falsified resident records, as evidenced by the following:

a. On or about July 15, 2014, you signed out one tablet of hydromorphone 4mg (C-II) for Resident A, who was prescribed one tablet every four hours as needed for pain. You documented the sign-out time as 2:00 p.m. on the control sheet, when you did not report to work until 2:47 p.m.

b. On or about July 16, 2014, you signed out two tablets hydromorphone 4mg (C-II) for Resident A at 4:00 p.m. and 8:00 p.m., but you only documented the administration of one tablet during your shift leaving one tablet unaccounted for.

c. On or about July 15, 2014, you documented withdrawal of one tablet alprazolam .5mg (C-IV) for Resident B, who was prescribed one tablet every six hours as needed, at 7:00 a.m. You were not on duty at 7:00 a.m., and you failed to document any administration or wastage.

d. On or about July 17, 2014, you documented withdrawal of one tablet of alprazolam .5mg for Resident B. You were not on duty at this time, and you failed to document any administration or wastage.

e. On or about July 15, 2014, you withdrew one half-tablet of oxycodone 7.5mg (C-II) for Resident C, who was prescribed half a tablet every three hours for pain, at 4:00 p.m. You did not document administering one dose of oxycodone until 9:00 p.m. and again at 10:30 p.m., and you did not document withdrawing a second half-tablet.

f. On or about July 15, 2014, you withdrew one tablet of Lorazepam .5mg (ativan, C-IV) for Resident D, who was prescribed one tablet every six hours as needed. You documented the sign-out time as 2:00 p.m. on the control sheet when you did not report to work until 2:47 p.m.

g. On or about July 16, 2014, you signed out a tablet of Lorazepam .5mg for Resident D at 8:00 p.m., but you documented administration at 6:03 p.m.

h. On or about July 7, 2014, by your own admission, you removed and documented administering two tablets of morphine sulfate 15mg (C-II) to Resident E at 9:00 p.m., when the physician's order was for one tablet every 12 hours.

2. On or about May 15, 2014, during the course of your employment with Pheasant Ridge Nursing and Rehabilitation Center, Roanoke, Virginia ("Pheasant Ridge"), you may have violated § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations, in that you diverted controlled substances, as evidenced by the following:

a. You withdrew three tablets of Adderall 20mg (amphetamine, C-II) for Resident F, who was prescribed two tablets daily. You documented that you administered one tablet and wasted one tablet, leaving one tablet unaccounted for.

b. You pre-poured two tablets in a cup of applesauce to be administered to Resident F. You claimed the tablets were Adderall, but the two crushed tablets did not appear to be Adderall.

3. You may have violated § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations, in that on your application for employment with Avante dated June 10, 2014, you answered "no" to the question whether you had ever been fired, and you indicated you left employment at Pheasant Ridge because you "needed[ed] to find a job with insurance." In fact, your employment with Pheasant Ridge was terminated on July 18, 2014 due to multiple problems with the documentation, administration, and wastage of narcotic medications.

4. You may have violated § 54.1-3007(6) of the Code in that you may be unsafe to practice practical nursing due to chemical dependency and mental illness as evidenced by your diagnosis of bipolar disorder and your history of abusing opiates and marijuana. Further, you received treatment for opiate addiction from April 2012 through July 2014 and for bipolar disorder in 2011 and 2012. You have received no further treatment for chemical dependency or mental illness since 2014.

Please see Attachment I for the names of the residents referenced above.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice practical nursing in the Commonwealth; or
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license/certificate/registration, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the agency subordinate will take that into consideration when making a recommendation in your case.

Board's Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case.

These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by May 21, 2015. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on May 26, 2015. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on May 21, 2015. Only one such motion will be considered. Absent critical circumstances, such as personal or family illness, a request for a continuance after May 21, 2015 will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office, at (804) 367-4634.

Sincerely,



Gloria D. Mitchell-Lively, R.N., M.S.N., M.B.A.
Deputy Executive Director

GML/lba

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Amy E. Weiss, Adjudication Specialist
Jennifer E. Baker, R.N., Senior Investigator (Case no. 158262)
Agency Subordinate
Peggy Wood, Monitoring Program Manager