

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DEBORAH RECTOR, R.N.

License No.: 0001-129777

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on May 27, 2015 in Henrico County, Virginia. Ms. Rector was present and was not represented by legal counsel. Allison Gregory, M.S., R.N., F.N.P-B.C., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 15, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Rector was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Deborah Rector, R.N., was issued License No. 0001-129777 to practice professional nursing in Virginia on August 28, 1992. Said license is set to expire on August 31, 2015. Ms. Rector's primary state of residence is Virginia.

2. By letter dated April 24, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Rector notifying her that an informal conference would be held on May 27, 2015. The Notice was sent by certified and first class mail to 112 Sherry Lane, Galax, Virginia, 24333, the address of record on file with the Board of Nursing.

3. During the course of her employment with Southwestern Virginia Training Center

(“SWVA”), Hillsville, Virginia, Ms. Rector repeatedly failed to administer medication as ordered and falsely documented medication administration, as evidenced by the following:

a. On August 9, 2014, Ms. Rector failed to administer noon medications to Clients A, B and C as ordered, and falsely documented on each client’s Medication Administration Record (“MAR”) that she had administered the medications.

b. On August 13, 2014, Ms. Rector failed to administer Klonopin (clonazepam, C-IV) to Client D and she falsely documented on the Nurse Control Count Sheet that she had administered the medication.

c. On September 1, 2014, Ms. Rector failed to administer phenobarbital to Client E, she falsely documented that she had administered the medication on the Nurse Control Count Sheet, and falsely documented the remaining amount of the medication. At the informal conference, Ms. Rector stated that she did not understand why the count was off but that she was sure she administered this medication, because the patient was very ill.

4. At the informal conference, Ms. Rector stated that at the end of each month the nurses would sign any MAR’s that had not been signed throughout the month. She admitted that she signed the MAR’s even though she was unsure whether the medication had actually been administered. Furthermore, she stated that she was not aware of many of the alleged medication errors prior to receiving the Virginia Department of Health Professions investigative materials regarding this matter.

5. During the course of her employment with SWVA Training Center, Ms. Rector repeatedly failed to administer medications as ordered by the clients’ physicians, as evidenced by the following:

a. On July 31, 2014, by her own admission, Ms. Rector failed to administer Valium (diazepam, C-IV) to Client F as ordered.

b. On August 11, 2014, Ms. Rector failed to administer Vitamin D, a weekly

medication, to Client G as ordered.

c. On August 15, 2014, Ms. Rector failed to administer Klonopin to Client D as ordered.

d. On September 2, 2014, by her own admission, Ms. Rector failed to administer two noon medications to Client H as ordered.

e. On September 2, 2014, by her own admission, Ms. Rector failed to administer seven morning medications to Client B as ordered. At the informal conference, Ms. Rector stated that another nurse was supposed to help her and administer the medications to Client B; however, Ms. Rector acknowledged that she was assigned to pass the medications and it was her responsibility. The error was found later in the day and Ms. Rector administered the medications at 3:25 p.m.

6. On September 5, 2014, SWVA Training Center sent Ms. Rector a letter stating that the investigation regarding allegations of abuse against her had been completed and the results of the investigation substantiated abuse. She was issued a Group III Written Notice with termination of employment. Ms. Rector was given until September 9, 2014, to respond to the proposed action, and at that time the facility would make a final determination regarding her employment status. Ms. Rector was allowed to resign in lieu of termination.

7. On August 18, 2008 and July 22, 2013, Ms. Rector was convicted of misdemeanor driving under the influence of alcohol in the City of Galax, Virginia, General District Court.

8. On August 20, 2014, by her own admission, Ms. Rector was under the influence of alcohol when she called her former co-workers to confront them concerning their allegations and statements about events at SWVA Training Center. Following the phone call, her co-workers were concerned about her mental health and personal safety and called the police. Ms. Rector was subsequently charged with one

count of appearing in public in an intoxicated condition in the City of Galax, General District Court; Ms. Rector's charge was under advisement until May 18, 2015, and was subsequently dismissed.

9. On December 15, 2014, Ms. Rector called three former co-workers and threatened to take court action against them regarding incidents at SWVA Training Center. Ms. Rector was described by each co-worker as having slurred speech. At the informal conference, Ms. Rector stated that she regularly takes Ambien and sometimes she does things that she does not remember doing.

10. Ms. Rector is currently prescribed Zocor, Ambien, Xanax and an antidepressant. Ms. Rector stated that she suffers from depression, stress and anxiety, but that she does not receive any counseling for her conditions. She stated that she has tried to contact Mt. Rogers Community Services Board for assistance but has not successfully followed through with her attempts to receive treatment.

11. At the informal conference, Ms. Rector stated that she felt that she was addicted to Ambien and that it has caused her to suffer memory impairment. Ms. Rector's son spoke at the informal conference and confirmed that her memory has "degraded" since using Ambien and that alcohol had been a problem for her in the past. Ms. Rector stated that she has not spoken with her primary care physician about her medication concerns despite the fact that they have caused her legal and employment difficulties as well as memory problems. Ms. Rector agreed that she should stop using Ambien and that she needs to have a mental health and/or substance abuse evaluation. Throughout the informal conference, Ms. Rector failed to take responsibility for her practice issues as well as her own health and wellbeing.

12. Ms. Rector stated that she was aware of the Health Practitioners' Monitoring Program but she had not entered into the program due to financial concerns.

13. Ms. Rector was employed at Twin County Regional Hospital from 1987 to 2009. During 2011, Ms. Rector had three nursing employers. She began working at SWVA Training Center in November 2012. At the informal conference, Ms. Rector stated that she was employed by Golden Living

Center for a few months following her employment with SWVA Training Center, but resigned and is not currently working.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a), (b) and (c) constitute a violation of §54.1-3007(2), (3), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing (“Regulations”).
2. Findings of Fact Nos. 5(a), (b), (c), (d) and (e) constitute a violation of §54.1-3007(2), (3), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.
3. Findings of Fact Nos. 6, 7 and 9 constitute a violation of §54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-129777 of Deborah Rector is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Rector shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Rector shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. This suspension shall be STAYED upon proof of entry into and compliance with a Recovery Monitoring Contract with the Health Practitioners’ Monitoring Program (“HPMP”) pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and

conditions shall apply:

a. Ms. Rector shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Rector, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Rector is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Rector's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Rector involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Rector's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Rector's appearance before a Committee and conduct an administrative review of this matter, at which time he/she may be issued an unrestricted license.

7. This Order is applicable to Ms. Rector's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Rector shall not work outside of 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 requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

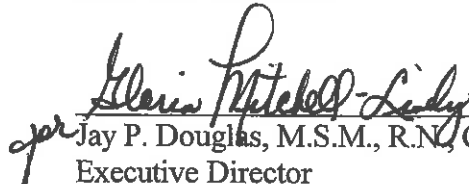
8. Ms. Rector shall maintain a course of conduct in her capacity as a professional nurse

commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Rector may, not later than 5:00 p.m., on August 26, 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 BOARD:


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

ENTERED: July 24, 2015

This Order shall become final on August 26, 2015, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By: 
Virginia Board of Nursing