

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: LISA CLEMENTS LUCAS, R.N. REINSTATEMENT APPLICANT**  
**License Number: 0001-164450**  
**Case Number: 181906**

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**ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing ("Board") held a formal administrative hearing on September 18, 2017, in Henrico County, Virginia, to receive and act upon Lisa Clements Lucas' application for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia.

Lisa Clements Lucas, R.N., appeared at this proceeding and was not represented by legal counsel.

**NOTICE**

By letter dated September 6, 2017, the Board sent a Notice of Formal Hearing ("Notice") to Ms. Lucas notifying her that a formal administrative hearing would be held on September 18, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

**FINDINGS OF FACT**

1. Lisa Clements Lucas was issued License Number 0001-164450 to practice professional nursing on July 15, 1999.
2. Said license was mandatorily suspended by Order of the Director of the Department of Health Professions on July 23, 2015. The Department's Order was based upon findings that on June 23,

2015, by Order of the New Hampshire Board of Nursing (“NH BON”), Ms. Lucas’s privilege to practice as a professional nurse was suspended for a period of two years.

3. The NH BON’s Order was based upon findings that during the course of her employment as a travel nurse for TruStaff, while on contract with the Intensive Care Unit at Portsmouth Regional Hospital, Portsmouth, New Hampshire, from April 2015 to May 2015, she diverted or attempted to divert controlled substances and falsified or made incorrect entries in patients’ records pertaining to such drugs or controlled substances. Specifically, the NH BON determined that, in April and May 2015, Ms. Lucas removed approximately 24 vials of fentanyl (C-II) without documenting any waste, return, or administration of such medication. Moreover, the NH BON concluded that, in engaging in such conduct, Ms. Lucas demonstrated nursing practice that may have caused unnecessary danger to a client’s life, health, or safety; failed to perform nursing practice with reasonable skill and safety; and demonstrated a pattern of behavior incompatible with the standards of nursing practice.

4. Lisa Clements Lucas submitted an application for reinstatement of said license on July 7, 2017.

5. Ms. Lucas admitted to the investigator for the Department of Health Professions (“Investigator”), on August 14, 2017, that she smokes marijuana when she is under a lot of stress and anxiety, or when she feels overwhelmed.

6. In May of 2017, pursuant to a pain management agreement with VCU Health, MCV Hospitals & Physicians, Richmond, Virginia, Ms. Lucas’s urine was drug tested, returning a positive result for marijuana.

7. The NH BON found, in the Order dated June 23, 2015, that Ms. Lucas admitted to having tested positive for marijuana in the past, and that she had smoked marijuana a few days prior to the hearing on June 18, 2015.

8. When Ms. Lucas applied for a travel nursing position with Medical Solutions, Chantilly, Virginia, in 2014, she initially had a dilute pre-employment urine drug screen (“UDS”) on July 28, 2014, and then had a UDS on August 7, 2014, which was positive for marijuana. At the hearing, Ms. Lucas testified that she has not intentionally diluted a UDS.

9. Ms. Lucas’s prescription monitoring report for the period of July 21, 2015 through July 21, 2017 reveals that she filled 23 prescriptions for controlled substances, mostly narcotics, from 8 different providers, at 11 pharmacies.

10. The NH BON found, in the Order dated June 23, 2015, that Ms. Lucas diverted or attempted to divert controlled substances. The NH BON also found that Ms. Lucas refused to be drug tested by Portsmouth Regional Hospital in conjunction with its investigation into her diversion.

11. During the course of her employment with Maxim Healthcare Services, while on assignment with Rhode Island Hospital, Providence, Rhode Island, on July 8, 2014, Ms. Lucas laid in a patient’s room and went to sleep for an extended period of time, while on duty.

12. Ms. Lucas falsely represented facts on her employment application with Consulate Health Care of Windsor, Windsor, Virginia, dated July 1, 2015, in that she indicated that her reason for leaving TruStaff was that she no longer wanted to travel, that she left Travel Max because she changed companies, and that she left Colony Ridge Nursing Home in North Carolina because she wanted to travel. In fact, Ms. Lucas’s employment with TruStaff was terminated on May 20, 2015 after her travel contract with Portsmouth Regional Hospital was terminated for her diversion of controlled substances. Ms. Lucas’s employment with Travel Max was terminated on July 24, 2014 after her travel contract with a Rhode Island hospital was cancelled for sleeping on the job in a patient’s room. Her employment with Colony Ridge Nursing Home in North Carolina was terminated on September 11, 2013 for refusing to submit to a drug screen.

13. Ms. Lucas testified that she has never been impaired at work. She currently is undergoing pain management and has signed a pain management contract with her physician.

14. Ms. Lucas testified that she was not truthful on her employment applications because she needed to make money to pay for her son's education.

15. Ms. Lucas testified that she does not use marijuana chronically, but that she used it situationally. She told the Board she last smoked marijuana in May 2017 in an effort to relieve pain.

16. Ms. Lucas stated the last time she practiced nursing was July 2015.

17. Ms. Lucas testified that she began seeing a counselor in July 2016. She told the Board that she sees the counselor about once per month and has an appointment for the day after the hearing. Ms. Lucas testified that she currently resides with her parents, who are very supportive. Ms. Lucas' stepmother testified on her behalf and stated that she believes Ms. Lucas is ready to "do better."

18. Ms. Lucas stated that she is willing to enter the Virginia Health Practitioners' Monitoring Program ("HPMP"), and that she has already gone through their intake process.

#### CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of Virginia Code § 54.1-3007(7).
2. Finding of Fact No. 3 constitutes a violation of Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(c), (e), and (f) of the Regulations Governing the Practice of Nursing ("Regulations") (currently found at 18 VAC 90-19-230(A)(2)(c), (e), and (f), effective February 24, 2017).
3. Findings of Fact Nos. 5 through 7 and Finding of Fact No. 10 constitute violations of Virginia Code § 54.1-3007(6).

4. Finding of Fact No. 11 constitutes a violation of Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(f), effective February 24, 2017).

5. Finding of Fact No. 12 constitutes a violation of Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300A(2)(e) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(e) effective February 24, 2017)

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The application of Lisa Clements Lucas, R.N., for reinstatement of the license to practice professional nursing in the Commonwealth of Virginia is DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the proceeding. Further, it is ORDERED that license be CONTINUED on INDEFINITE SUSPENSION. Should she petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether is able to Ms. Lucas return to the safe and competent practice of professional nursing. Ms. Lucas 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.

2. This suspension applies to any multistate privilege to practice professional nursing.

3. It is further ORDERED that said suspension shall be STAYED upon proof of Ms. Lucas's entry into a Contract with the HPMP.

4. Upon stay of the suspension, Ms. Lucas shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

5. Upon receipt of evidence of Ms. Lucas's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Lucas's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

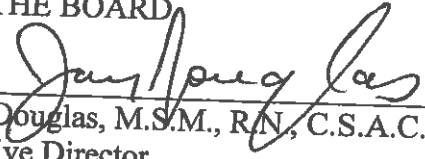
6. This Order is applicable to Ms. Lucas's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Lucas shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

7. Ms. Lucas shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

8. Failure to comply with the terms and conditions of the stay of suspension shall result in the immediate rescission of the stay of suspension of the license of Ms. Lucas and the license shall be recorded as suspended. After any rescission of the stay of suspension, Ms. Lucas may, within 33 days of the effective date of the rescission, request a formal administrative hearing before the Board.

Pursuant to Virginia Code §§ 2.2-4023 and 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.

FOR THE BOARD

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

ENTERED AND MAILED ON:

October 10<sup>TH</sup>, 2017

**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 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   
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Virginia Board Of Nursing