

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: LISA CLEMENTS LUCAS, R.N. REINSTATEMENT APPLICANT
License Number: 0001-164450
Suspension Date: July 23, 2015
Case Number: 181906

**NOTICE OF FORMAL ADMINISTRATIVE HEARING
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing ("Board") regarding your application for reinstatement of your license to practice professional nursing in the Commonwealth of Virginia following its mandatory suspension by the Department of Health Professions.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board.
DATE AND TIME:	September 18, 2017 2:00 P.M.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.
2. The burden rests on you, as the applicant, to demonstrate that you are prepared to resume the safe and competent practice of professional nursing.
3. In considering your application, the Board will consider evidence that grounds exist to deny your application for reinstatement of your license to practice professional nursing, as more fully set out in the enclosed Statement of Allegations.
4. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:
 - Approve your application and issue an unrestricted license to practice professional nursing;
 - Approve your application and issue a reprimand, a monetary penalty, and/or a restricted license subject to terms and conditions;

- Deny your application and continue your license on indefinite suspension or revoke your license.

ABSENCE OF APPLICANT AND APPLICANT'S COUNSEL:

If you fail to appear at the formal hearing, the Board may proceed to hear this matter in your absence and may take any of the actions outlined above.

APPLICANT'S LEGAL RIGHTS:

You have the right to the information on which the Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBITS:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the formal hearing.**

FILING DEADLINES:

1. Deadline for filing exhibits: **September 13, 2017**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **September 14, 2017**. If no objections have been received by **September 14, 2017**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **September 15, 2017**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions: **September 13, 2017**, addressed to Darlene Graham at the above address.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **September 13, 2017**. If you do not file objections by this date, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates on your case. If you do file objections, the Commonwealth has until **September 14, 2017** to file a response to the objections, in writing, and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

NOTE: failure to object to the distribution of the Commonwealth's exhibits prior to the proceeding will not affect your right to contest any information contained in those exhibits at the proceeding.

REQUEST FOR A CONTINUANCE:

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **September 13, 2017** will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **September 13, 2017**.

OTHER IMPORTANT INFORMATION:

Pursuant to Virginia Code § 54.1-2409(D), reinstatement of your license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF ALLEGATIONS

The Board alleges that grounds exist to refuse to reinstate the license of Lisa Clements Lucas, R.N. Reinstatement Applicant, to practice professional nursing in that:

1. Lisa Clements Lucas, R.N. Reinstatement Applicant, violated Virginia Code § 54.1-3007(7) in 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 in New Hampshire was suspended for a period of two years. Pursuant to Virginia Code § 54.1-2409, the suspension of Ms. Lucas’s privilege to practice as a professional nurse in New Hampshire formed the basis for the mandatory suspension of her license by Order of the Virginia Department of Health Professions entered July 23, 2015.
2. Ms. Lucas violated 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) in that, as found by the NH BON, 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.

3. Ms. Lucas violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to mental illness and/or substance abuse, as evidenced by the following:

a. On or about June 15, 2016, and on or about July 5, 2016, Ms. Lucas received diagnoses of anxiety and depression from her treatment provider with the Western Tidewater Free Clinic, Suffolk, Virginia.

b. Ms. Lucas has used and/or abused marijuana, a Schedule I illegal substance, as evidenced by the following:

i. 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.

ii. 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.

iii. 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.

iv. 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 on July 28, 2014, and then had a urine drug screen on August 7, 2014, which was positive for marijuana. Moreover, on out about October 30, 2014, a family member reported to an Investigator that Ms. Lucas smoked marijuana on a regular basis and purchased kits to “clean” her urine so she could pass urine drug screen testing.

c. 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 eight different providers, at eleven pharmacies.

d. 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 their investigation into her diversion.

4. Ms. Lucas violated 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), in that, during the course of her employment with Maxim Healthcare Services, while on assignment with Rhode Island Hospital, Providence, Rhode Island, on or about July 8, 2014, she laid on a bed in a patient's room and went to sleep for an extended period of time, while on duty.

5. Ms. Lucas violated 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) in that she 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 or about 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 or about 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 or about September 11, 2013 for refusing to submit to a drug screen.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Lucas's health records or health services.



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

September 6, 2017
Date