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By   
Virginia Board of Nursing



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VA BD OF NURSING

## COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367-4400  
FAX (804) 527-4475

July 23, 2015

Lisa Clements Lucas  
2841 Ashwood Drive  
Chesapeake, VA 23321

RE: License No.: 0001-164450

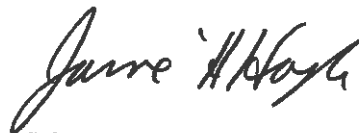
Dear Ms. Lucas:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered July 23, 2015. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,



Jaime H. Hoyle, Esquire, Chief Deputy Director  
Department of Health Professions

Enclosures  
Case # 164243

**VIRGINIA:**

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: LISA CLEMENTS LUCAS, R.N.  
License No.: 0001-164450**

**ORDER**

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Jaime H. Hoyle, Esquire, Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that the privilege of Lisa Clements Lucas, R.N., to practice nursing through the Nurse Licensure Compact in the State of New Hampshire was suspended by a Findings of Fact, Rulings of Law and Sanctions dated June 23, 2015. A certified copy of the Findings of Fact, Rulings of Law and Sanctions is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Lisa Clements Lucas, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Lisa Clements Lucas, R.N., will be recorded as suspended and no longer current. Should Ms. Lucas seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 2.2-4023 and 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.

  
\_\_\_\_\_  
Jaime H. Hoyle, Esquire, Chief Deputy Director  
Department of Health Professions

ENTERED: 7/23/15



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

*Department of Health Professions*

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## CERTIFICATION OF DUPLICATE RECORDS

I, Jaime H. Hoyle, Esquire, Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Findings of Fact, Rulings of Law and Sanctions dated June 23, 2015, regarding Lisa Clements Lucas, R.N., is a true copy of the records received from the New Hampshire State Board of Nursing.

  
\_\_\_\_\_  
Jaime H. Hoyle, Esquire

Date: 7/23/15



STATE OF NEW HAMPSHIRE  
NEW HAMPSHIRE BOARD OF NURSING  
121 S FRUIT ST  
CONCORD NH 03301-2431

**COPY**

Webpage: <http://www.state.nh.us/nursing>

TDD Access: Relay NH 1-800-735-2964

Nursing 603-271-2323

Nurse Asst. 603-271-6282

In the Matter of:  
**Lisa Lucas, RN**  
License No.: 0001164450-Virginia  
(Adjudatory/Proceeding)

Docket No. 15-0601-0481

**FINDINGS OF FACT, RULINGS OF LAW AND SANCTIONS**

A Hearing, chaired by the Board vice-chairperson Kathleen Kidder, APRN, was held on June 18, 2015 at the Board of Nursing's office, 121 S. Fruit St., Concord, N.H. for Lisa Lucas, VA. Compact License #0001164450, (Respondent) pursuant to the June 8, 2015 Order of Emergency Suspension of Privilege to Practice and Notice of Hearing.

Present at the Hearing were: Respondent

Witnesses: K. Atkinson, DFNP, RN, CNOR, Portsmouth Regional Hospital;  
A. Williams, Director of Pharmacy, Portsmouth Regional Hospital  
N. Lightbody, VP, HR, Portsmouth Regional Hospital  
C. Fielders, Director ICU, Portsmouth Regional Hospital

Board members: J. Kuras, K. Kidder, K. Baranowski, B. Fersch, R. Petrin, H. Featherston, and  
C. Smith, and N. Wiggins

Absent: A. Finn-Waddell, N. Fortin, T. Collins

and Board staff: S. Goodness, S. Beauchesne.

Atty. L. O'Connor, Prosecutor for the Board

Following presentation of oral or written statements and exhibits the Board found for the following:

**FINDINGS OF FACT**

1. Respondent is currently licensed in Virginia and worked in New Hampshire pursuant to the Nurse Licensure Compact.
2. In April and May 2015, Respondent was working as a travel nurse assigned to the Intensive Care Unit ("ICU") of Portsmouth Regional Hospital.
3. On May 29, 2015, Krystal Atkinson, Interim Chief Nursing Officer for Portsmouth Regional Hospital filed a complaint with the Board alleging that Lisa Lucas, RN diverted controlled substances.
4. A Rx Auditor Report indicated that Respondent was >5 standard deviations above the mean for Fentanyl use in the ICU. Her actual score was 6.57.
5. Ann Williams, RPH, MBA, MBE, Director of Pharmacy reviewed all Fentanyl transactions by Respondent in April 2015.



6. Ms. Williams reported that Respondent had approximately twelve (12) vials that she removed but had no documented waste, return, or administration.
7. Ms. Williams conducted a preliminary review of Respondent's Fentanyl transactions for May 2015 and discovered an additional twelve (12) vials of Fentanyl that was unaccounted for in Respondent's documentation.
8. Ms. Williams also reported that additional medications unaccounted for in Respondent's documentation for April and May 2015 included Meperidine, Hydromorphone, and Lorazepam.
9. On or about May 20, 2015, Cynthia Fielders, RN, Director of ICU for Portsmouth Regional Hospital and Nancy Lightbody, VP of Human Resources met with Respondent to review Ms. Williams's findings.
10. Respondent admitted that she had "sloppy nursing practices surrounding documentation and wasting of narcotics."
11. Respondent also admitted that she had tested positive for THC in the past and had smoked marijuana a "few days ago".
12. Respondent stated she had a prescription for Vicodin and if she consented to having a drug test, she would test positive for opiates.
13. Ms. Fielders informed Respondent that as long as she had a legitimate prescription, testing positive for Vicodin would not "be a problem".
14. Respondent refused to have a drug test.

#### RULINGS OF LAW

1. In April and May 2015, Respondent diverted or attempted to divert drugs or controlled substances in violation of RSA 326-B:37, II (n); and/or
2. In April and May 2015, Respondent could not account for 24 vials of missing phenthenol attached with her bioID and over 20 days falsified or made incorrect entries in clients' records pertaining to drugs or controlled substances in violation of RSA 326-B:37, II (p)(2) and/or Nur 402.04(b)(10) and/or (11); and/or
3. In April and May 2015, Respondent demonstrated nursing practice that may have caused unnecessary danger to a client's life, health, or safety in violation of RSA 326-B:37, II I(k); and/or
4. In April and May 2015, Respondent failed to perform nursing practice with reasonable skill and safety in violation of RSA 326-B:37, II (g); and/or

5. In April and May 2015, Respondent demonstrated a pattern of behavior incompatible with the standards of nursing practice in violation of Nur 402.04(b)(17).

### SANCTIONS


1. For violating sections of the New Hampshire Nurse Practice Act including (1) diverting or attempting to divert drugs or controlled substances and/or, (2) falsifying or making incorrect entries in clients' records pertaining to drugs or controlled substances, and/or (3) demonstrating a nursing practice that may have caused unnecessary danger to a client's life, health, or safety, and/or (4) failing to perform nursing practice with reasonable skill and safety, and/or (5) demonstrating a pattern of behavior incompatible with the standards of nursing practice, the Board **SUSPENDS Respondent's privilege to practice nursing in New Hampshire for a period of 2 years** and assesses a monetary penalty of \$2500 representing \$500 for each of the five violations to deter future misconduct and to defray the costs associated with the investigation and prosecution of this case to be paid within 90 days from the effective date of the Board's order in one single payment by certified bank check or postal money order payable to the "NH Board of Nursing". Failure to pay the penalty by the deadline will cause the penalty to be reported to credit reporting services for inclusion on the Respondent's credit record. If the Board determines that collection action including court proceedings are necessary to enforce this obligation, the Board will petition the Court to assess the Respondent with all costs including reasonable legal fees and accrued interest at the prevailing government rate.
2. Should Respondent wish to petition for reinstatement of her privilege to practice as a registered nurse in New Hampshire, Respondent shall:
  - a. Provide the Board with three character references related to Respondent's honesty, integrity, timeliness and productive work habits. If Respondent has been employed within the past year, at least one of the references must be from an employer;
  - b. Appear before the Board to provide an oral presentation in support of the petition.
  - c. Provide the Board with documentation of successful completion of a medication administration course.
3. Should the Board grant reinstatement of Respondent's privilege to practice as a registered nurse in New Hampshire, a probation period shall follow and the terms, conditions, and stipulations shall be determined at the time of Respondent's Board appearance noted in 2 b. above.
4. Respondent shall provide a copy of this order to all nursing license boards and registries where she is currently licensed or registered and schools of nursing where currently enrolled within 30 days of receipt of the NH Board-executed copy as well as to all licensing boards, employers and schools of nursing.

5. Should Respondent apply for any New Hampshire license under RSA 326-B authority on or after the effective date of this order, Respondent shall by the act of filing such application automatically waive any statute of limitations or laches defense which may otherwise be available concerning the misconduct set forth above with the misconduct being fully addressed in the context on Respondent's license application. Respondent shall bear the burden of proving that she possesses sufficient knowledge, judgment, skills, abilities and character qualifications to be licensed in any such future licensing proceedings.
6. Any relief from the provisions of this order shall be granted pursuant to RSA 326-B:39.
7. This order shall become a public document upon signature and a summary of the misconduct noted above may be published in the Board's newsletter and notification of federal and other state agencies and boards of nursing shall be effectuated as required or permitted by law.

**RATIONALE:**


The issue before the Board is the allegation that Respondent engaged in professional misconduct by (1) diverting or attempting to divert drugs or controlled substances in violation of RSA 326-B:37, II (n); (2) In April and May 2015, Respondent could not account for 24 vials of missing Fentanyl attached with her bioID and over 20 days falsified or made incorrect entries in clients' records pertaining to drugs or controlled substances in violation of RSA 326-B:37, II (p)(2) and Nur 402.04(b)(10), (11); (3) In April and May 2015, Respondent demonstrated nursing practice that may have caused unnecessary danger to a client's life, health, or safety in violation of RSA 326-B:37, II I(k); (4) In April and May 2015, Respondent failed to perform nursing practice with reasonable skill and safety in violation of RSA 326-B:37, II (g); Pharmacist showed Respondent was elevated to 6.57 standard deviations for pyxis errors triggering immediate inspection for diversion. Respondent attributes Fentanyl errors to being "too busy" and having "very ill patients". Licensee refused drug screen at time of investigation due to fear of positive drug screen again; Respondent's Virginia license is under review for positive marijuana use identified on pre-employment physical. Respondent adamantly denies Fentanyl diversion.

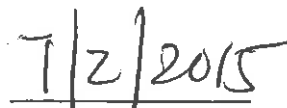
BY ORDER OF THE BOARD:

  
\_\_\_\_\_  
Denise M. Nies, MSN, RN, BC  
Executive Director

  
\_\_\_\_\_  
Date

THIS IS A TRUE, CERTIFIED COPY:

  
\_\_\_\_\_  
DENISE M. NIES, MSN, RN, BC

  
\_\_\_\_\_  
Date