

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: VALERIE M. ARNETT, L.P.N.
License No.: 0002-066766

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 June 1, 2015, in Henrico County, Virginia. Valerie M. Arnett, L.P.N., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., 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. Arnett 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. Valerie M. Arnett, L.P.N., was issued License No. 0002-066766 to practice practical nursing in Virginia on August 1, 2003. The license is scheduled to expire on January 31, 2016. Ms. Arnett's primary state of residence is Virginia.

2. By letter dated May 12, 2015, the Board sent a Notice of Informal Conference ("Notice") to Ms. Arnett notifying her that an informal conference would be held on June 1, 2015. The Notice was sent by certified and first class mail to 10222 Oakwinds Circle, Bristol, Virginia 24202, the address of record on file with the Board of Nursing. According to the United States Postal Service website, as of June 1, 2015, the Notice sent by certified mail was unclaimed. The Notice sent by first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to

Ms. Arnett and the informal conference proceeded in her absence.

3. On May 6, 2013, during the course of her employment with Bristol Health and Rehabilitation Center, Bristol, Tennessee, Ms. Arnett diverted Lortab (hydrocodone-acetaminophen, C-II) for her own personal and unauthorized use. She accomplished the diversion by falsely documenting on the narcotic card count sheet that she had dropped the card of Lortab for Patient A into the “safe” for disposal. When staff attempted to retrieve the card of Lortab from the “safe,” it was not there.

4. On May 7, 2013, Ms. Arnett submitted to a reasonable suspicion urine drug screen, which was positive for oxycodone and benzodiazepines, for which she did not have valid prescriptions.

5. Ms. Arnett’s employment with Bristol Health and Rehabilitation Center was terminated effective May 10, 2013.

6. By Letter of Warning dated December 3, 2013, Ms. Arnett was Admonished by the Tennessee Board of Nursing (“Tennessee Board”) based on allegations that she diverted Lortab from her workplace and had a positive drug test for benzodiazepines, for which she provided no prescription. This action was also based on her prescription history, which indicated long-term opiate and suboxone use. Ms. Arnett was uncooperative with the investigation by the Tennessee Board in that she failed to attend two scheduled meetings with the Tennessee Board investigator. In addition, a review of e-mail correspondence between the Tennessee Board investigator and Ms. Arnett showed that Ms. Arnett was uncooperative and failed to provide any formal statements addressing the allegations against her.

7. When initially contacted by an investigator for the Virginia Department of Health Professions (“DHP Investigator”) by certified mail, Ms. Arnett provided a written statement. She subsequently responded to two e-mails from the DHP Investigator, indicating that she would contact

him to answer questions regarding the Virginia Board of Nursing investigation; however, she failed to do so. She also advised the DHP Investigator that she had retained an attorney, but never provided his/her contact information, nor did her attorney contact the DHP Investigator to provide proof of representation. Further, Ms. Arnett failed to respond to an e-mail and a second certified letter instructing her to contact the DHP Investigator, submit to a urine drug screen, and sign two releases of medial record authorizations for providers in Tennessee.

8. A Virginia Prescription Monitoring Program Report obtained by the DHP Investigator revealed that, since 2010, Ms. Arnett had seen 15 different doctors and used 12 different pharmacies.

9. Ms. Arnett's current employment status is unknown, and she has not enrolled in the Health Practitioners' Monitoring Program.

CONCLUSIONS OF LAW

1. Finding of Fact #3 constitutes a violation of § 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.

2. Finding of Fact #4 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-066766 of Valerie M. Arnett, L.P.N., is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended and no longer current.

3. At such time as Ms. Arnett 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 practical nursing. Ms. Arnett 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 practical nursing.

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.

Since Ms. Arnett failed to appear at the informal conference, this Order shall be considered final. Ms. Arnett has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Arnett has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD


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

Entered: July 22, 2015

Certified True Copy

By 
Virginia Board Of Nursing