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VA BO OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

MARY EILEEN HOOVER NEARY, R.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Mary Eileen Hoover Neary, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Neary's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Mary Eileen Hoover Neary, R.N., was issued License No. 0001-133648 to practice professional nursing by the Virginia Board of Nursing on September 14, 1993. Said license is set to expire on May 31, 2010.

2. Pursuant to an Agreed Order entered by the Texas Board of Nursing ("Texas Order") on August 12, 2007, Ms. Neary's Nurse Licensure Compact Privilege to practice professional nursing in the State of Texas was restricted, under terms and conditions, for a period of two years, to commence from the date of the entry of the order. This action was based on findings that during the course of her employment with AMN Healthcare, San Diego, California, while working as a pediatric intensive care unit travel nurse at Christus Santa Rosa Children's Hospital, San Antonio, Texas, on her Nurse Licensure Compact Privilege:

a. On September 16, 2007, Ms. Neary administered an oral tube feeding to Patient A through a peripherally inserted central catheter line. As a result, Patient A experienced mild respiratory complications.

b. On October 24, 2007, Ms. Neary mistakenly administered intravenous fluids to Patient B at a rate of 120 cc/hr, although the physician had ordered a rate of 20 cc/hr.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (7) of the Code of Virginia (1950), as amended ("Code") and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing.

CONSENT

Mary Eileen Hoover Neary, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Mary Eileen Hoover Neary, R.N., shall be placed on PROBATION for two years of actual

nursing practice subject to the following terms and conditions:

- a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Neary has completed two years of active employment as a professional nurse. The license of Ms. Neary shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 *et seq.* and § 54.1-2400.9 *et seq.* of the Code.
- b. Ms. Neary shall inform the Board in writing within ten (10) days of the date she begins nursing, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Neary shall provide the name and address of each employer to the Board.
- c. Ms. Neary shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Neary is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
- d. Performance evaluations shall be provided, at the direction of Ms. Neary, by all nursing employer(s), as provided by the Compliance Division.
- e. Ms. Neary shall practice nursing only in a supervised employment setting satisfactory to the Board for the first year after being placed on probation. This employment setting shall provide on-site direct supervision by a professional nurse, who works the same shift, works on the same unit, and is immediately available to provide assistance and intervention and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Neary shall have current and all prospective employers provide a written description of the employment setting to the Board

office for approval.

f. Ms. Neary shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

g. Ms. Neary shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends.

h. Ms. Neary shall return all copies of her license to practice as a professional nurse to the Board office within ten (10) days of the date of entry of this Order, along with a payment of a fee of \$5.00. Upon receipt, the Board shall issue a new license marked "Valid in Virginia Only; Probation with Terms."

i. Ms. Neary shall conduct herself as a professional nurse in compliance with the requirements of Title 54.1, chapter 30 of the Code of Virginia and the Board of Nursing Regulations.

j. Within 90 days of the entry of this Order, Ms. Neary shall complete the following online courses provided by the National Counsel of State Boards of Nursing ("NCSBN"):

- i. *Ethics of Nursing Practice.*
- ii. *Sharpening Critical Thinking Skills for Competent Nursing Practice.*
- iii. *Medication Errors: Detection and Prevention.*

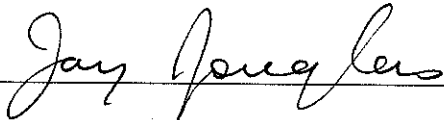
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Neary, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Neary shall be noticed to appear before the Board at such time as the Board is notified that:

- a. Ms. Neary is not in compliance with the terms and conditions of the this Order;
- b. There is a pending investigation or unresolved allegation against Ms. Neary involving a violation of law or regulation or any term or condition of probation or this Order.

3. This Order is applicable to Ms. Neary's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Neary 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 Ms. Neary wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

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

FOR THE BOARD



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

ENTERED: February 10th, 2009

CONSENT ORDER - Mary Eileen Hoover Neary, R.N.
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SEEN AND AGREED TO:

Mary Eileen Hoover Neary, RN
Mary Eileen Hoover Neary, R.N.

COMMONWEALTH OF ~~VIRGINIA~~ OHIO
COUNTY/CITY OF Darke, TO WIT:

Subscribed and sworn to before me, Mary Eileen Hoover, a Notary Public, this 26 day of
January, 2009.
Neary

My commission expires March 14, 2011.

Registration Number _____.



NELLIE LAUGHEAL
Notary Public - State of Ohio
My Comm. Exp. Mar. 14, 2011

Nellie M. Laugheal
NOTARY PUBLIC