

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

DEBORAH S. GUILL, R.N.

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), an informal conference was held before a Special Conference Committee (“Committee”) of the Board of Nursing (“Board”) on December 2, 2010, in Henrico County, Virginia, to inquire into evidence that Deborah S. Guill, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia and an Order of the Board entered December 10, 2009. Ms. Guill was present and was represented by Karah Gunter, Esquire.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Deborah S. Guill, R.N., was issued License No. 0001-159136 to practice professional nursing by the Virginia Board of Nursing on June 17, 1998. Said license is set to expire on December 31, 2012. On February 9, 2009, Ms. Guill entered a Consent Order with the North Carolina Board of Nursing surrendering her privilege to practice professional nursing for one year. The Consent Order was based on Ms. Guill having reported to work at Women’s Hospital of Greensboro, North Carolina, on December 30, 2008, with slurred speech and stumbling and later testing positive for marijuana. On December 10, 2009, the Virginia Board entered an Order taking no action against Ms. Guill contingent upon her compliance with certain terms and conditions. Her primary state of residence is Virginia.

2. By letter dated July 30, 2010, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Guill notifying her that an informal conference would be held on August 25, 2010. The

Notice was sent by certified and first class mail to 4147 Whitmell School Road, Dry Fork, Virginia 24549, the address of record on file with the Board of Nursing. By letter dated August 5, 2010, Karah Gunter, Esquire, requested a continuance on behalf of Ms. Guill. By letter dated August 18, 2010, the Board sent a letter to Ms. Guill and her attorneys, notifying them that an informal conference would be held on December 2, 2010.

3. During the course of her employment with Interim Healthcare, Roanoke, Virginia, Ms. Guill diverted medications for her personal and unauthorized use as evidenced by the following:

a. On April 14, 2010, Ms. Guill went to the home of Patient A on a Personal Care Aide (“PCA”) supervisory visit and asked to review her medications, which was not part of her duties and which Ms. Guill was not authorized to do. After Ms. Guill left Patient A’s home, Patient A’s bottle of clonazepam (Schedule IV) was missing.

b. On April 19, 2010, Ms. Guill went to the home of Patient B for a PCA supervisory visit and asked to review her medications, which was not part of her duties and which Ms. Guill was not authorized to do. After Ms. Guill left Patient B’s home, Patient B’s Percocet (oxycodone, Schedule II) and Valium (diazepam, Schedule IV) were missing.

c. On April 20, 2010, Ms. Guill was allowed to resign from employment in lieu of termination.

4. During the course of her employment with Team Nurse, Gretna, Virginia:

a. Ms. Guill diverted medications for her personal and unauthorized use in that on February 22, 2010, Ms. Guill went to the home of Patient C for a PCA supervisory visit and asked to review her medications, which was not part of her duties and which Ms. Guill was not authorized to do. After Ms. Guill left Patient C’s home, Patient C’s Xanax (alprazolam, Schedule IV) was missing.

b. On the employment application dated December 31, 2009, Ms. Guill failed to disclose that her employment was terminated by Women's Hospital of Greensboro, Greensboro, North Carolina, in January, 2009.

c. Ms. Guill's employment was terminated February 24, 2010, for sleeping on the job and falsifying her employment application.

5. On February 9, 2010, Ms. Guill submitted a urine screen that was positive for oxazepam, a medication that was not prescribed by her current psychiatrist.

6. During the course of her employment with Piney Forest Healthcare Center, Danville, Virginia, Ms. Guill diverted morphine (Schedule II) for her personal and unauthorized use as evidenced by the following:

a. On September 4, 2009, Ms. Guill was observed trying to open sharps containers containing vials of morphine. When the sharps containers were later examined, the morphine was missing.

b. On March 17, 2009, Ms. Guill signed out morphine for Patient D. However, she did not document administering the medication, and Patient D reported that she did not receive the medication.

7. Ms. Guill suffers from substance abuse and/or impairment, as evidenced by the following:

a. From October, 2007, to November, 2007, Ms. Guill was treated at Pathways Treatment Center, Lynchburg, Virginia, for opioid addiction.

b. On several occasions between March, 2009, and February, 2010, co-workers observed Ms. Guill falling asleep on duty, stumbling, and acting bizarrely. Furthermore, on two occasions Ms. Guill was terminated from employment, in part, for falling asleep while on duty.

c. On April 25, 2010, Ms. Guill was treated at Danville Regional Medical Center, Danville, Virginia, for burns to her right leg. It was noted in her medical record that a family member informed hospital staff not to give Ms. Guill pain medications because she is addicted to narcotics.

8. On October 16, 2010, Ms. Guill was arrested for driving while under the influence, a misdemeanor. She is scheduled to appear in Pittsylvania County General District Court on December 13, 2010. At the informal conference, Ms. Guill stated that she was under the influence of prescribed drugs.

9. Ms. Guill admitted to having a substance abuse problem; however, she denied diverting any medication. Ms. Guill admitted that she failed to disclose her substance abuse problems with the Virginia Board or the North Carolina Board during the previous investigations. Ms. Guill presented documentation of completing a 28-day residential substance abuse program on December 1, 2010. Her aftercare plan recommended weekly drug screens and aftercare group attendance and monthly individual therapy sessions. She is currently unemployed.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3(a) and (b) and 4(a) constitute a violation of Term No. 2 of the Order entered December 10, 2009, (“Board’s Order”), § 54.1-3007(2), (5), and (8) of the Code, and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”).
2. Finding of Fact No. 4(b) constitutes a violation of Term No. 2 of the Board’s Order, §54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.
2. Finding of Fact No. 5 constitutes a violation of Term No. 1(b) of the Board’s Order.
3. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code, and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations.
5. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

Deborah S. Guill, 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 formal fact finding hearing 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 a formal hearing;
5. She neither admits nor denies the Findings of Fact contained herein but 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. Deborah S. Guill, R.N., is hereby REPRIMANDED.
2. License No. 0001-159136 of Deborah S. Guill, R.N., is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Guill 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 professional nursing. Ms. Guill 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.
5. This suspension applies to any multistate privilege to practice professional nursing.

6. This suspension shall be STAYED upon proof of entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Guill shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Deborah S. Guill, R.N., and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Guill is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Guill's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Guill involving a violation of law, regulation, or any term or condition of this order.

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

Patricia M. Selig

Patricia M. Selig, R.N., F.N.P., Ph.D.
President, Virginia Board of Nursing

ENTERED: 1-25-11

SEEN AND AGREED TO:

Deborah S. Guill

Deborah S. Guill, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Danville, TO WIT:

Subscribed and sworn to before me, Joan J. Rozewicz Notary Public, this 29th day of December, 2010.

My commission expires 8-31-2011

Registration Number 199510

Joan J. Rozewicz
NOTARY PUBLIC



Certified True Copy
By *deborah*
Virginia Board of Nursing