

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: BRENDA OVERSTREET, R.M.A.
Registration No.: 0031-000836

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on May 20, 2015 in Henrico County, Virginia, to inquire into evidence that Brenda Overstreet, R.M.A., may have violated certain laws and regulations governing medication aide practice in Virginia. The case was presented by Wendy J. Deaner, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Overstreet was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

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

FINDINGS OF FACT

1. Brenda Overstreet, R.M.A., was issued Registration No. 0031-000836 to practice as a registered medication aide in the Commonwealth of Virginia on October 6, 2008. Said registration expired on February 28, 2015.

2. Based upon the representations of Wendy Deaner, Adjudication Specialist, and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Statement of Particulars, Allegation Summary Worksheet and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.

3. Ms. Overstreet, by her own admission to an investigator with the Virginia Department of Health Professions, has a history of narcotic addiction dating back six or seven years.

4. From March 2014, through July 21, 2014, during the course of her employment with Smith Mountain Lake Retirement Village, Hardy, Virginia, Ms. Overstreet diverted multiple narcotics from the supply of Resident A, Resident B and Resident C, and signed out the medications for these residents on narcotic sign-out sheets.

5. By her own admission, Ms. Overstreet began diverting narcotic medications three or four months after she began working at the facility and she diverted the medications for her own personal and unauthorized use. In addition, she stated that her drug of choice was Lortab, and that at times she used the medication while on duty.

6. Ms. Overstreet's employment with Smith Mountain Lake Retirement Village was terminated on July 21, 2014.

7. Ms. Overstreet is currently charged with three counts of felony obtain prescription drugs by fraud and three counts of misdemeanor falsification of patient records in the Franklin County, Virginia, Circuit Court; the cases are set for trial on May 26, 2015.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of §54.1-3007(6) of the Code.
2. Finding of Fact No. 4 constitutes a violation of §54.1-3007(2), (3), (5), (6) and (8) of the Code and 18 VAC 90-60-110(A)(2) and 18 VAC 90-60-120(2)(c), (d), (l) and (m) of the Regulations Governing the Registration of Medication Aides.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:


1. The right of Brenda Overstreet to renew Registration No. 0031-000836 to practice as a registered medication aide in the Commonwealth of Virginia is hereby REVOKED.

2. The registration of Ms. Overstreet will be recorded as REVOKED. Pursuant to § 54.1-2408.2 of the Code, should Ms. Overstreet seek reinstatement of her registration after three years, she shall be responsible for any fees that may be required for the reinstatement of her registration prior to issuance of her registration to resume practice. The reinstatement of Ms. Overstreet's registration shall require the affirmative vote of three-fourths of the members at a meeting of the Board.

3. At such time as Ms. Overstreet shall petition the Board for reinstatement of her registration, an administrative proceeding will be convened to determine whether she is able to return to safe and competent practice as a registered medication aide.

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 on request.

FOR THE BOARD


50 Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

June 25, 2015
ENTERED

Certified True Copy

By 
Virginia Board Of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.