

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: GRACE E. EMAH, R.N.

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 January 28, 2010, in Henrico County, Virginia, to inquire into evidence that Grace E. Emah, R.N., may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Amanda E. Mitchell, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Emah was 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. Grace E. Emah, R.N., was issued License No. 0001-198232 to practice as a professional nurse by the Virginia Board of Nursing on September 14, 2005. Said license is current and is set to expire on June 30, 2010.
2. During the course of her employment with Prince William Hospital, Manassas, Virginia:
 - a. On June 16, 2008, Ms. Emah removed one .5mg tablet of Alprazolam from the Pyxis machine for a patient. However, there is no documentation that this medication was ever administered, returned or wasted.
 - b. On September 4, 2008, Ms. Emah failed to document lab orders for a patient into Meditech.

c. On September 9, 2008, Ms. Emah failed to follow physician orders for one of her assigned patients who was scheduled for surgery. She also failed to correctly complete the pre-op paperwork. At the formal hearing, Ms. Emah explained that she became distracted during the course of her shift and did not remember to call the operating room to get clarification on what surgery the patient was scheduled for to allow her to complete the necessary paperwork until the time to do so had elapsed.

d. On January 29, 2009, Ms. Emah's employment was suspended following two instances of failure to document medication administration. A subsequent drug screen was conducted and the results were negative. Thereafter, a medication audit showed a total of 12 instances between December 15, 2008, and January 16, 2009, where Ms. Emah removed narcotic medications from the Pyxis machine without documentation of administration, return or waste of said medications. As a result, Ms. Emah's employment was terminated on February 10, 2009, for failure to adhere to hospital policy regarding medication administration. Her immediate supervisor testified that Ms. Emah had received extended orientation from July 7, 2008, to August 7, 2008, following her initial 90-day orientation, to specifically address deficiencies in her documentation of medication administration. Ms. Emah was further described as quiet and uncommunicative, and it was also noted that she infrequently asked for assistance from other staff.

CONCLUSIONS OF LAW

The Board concludes that Findings of Fact Nos. 2(a), 2(b), 2(c) and 2(d) constitute violations of § 54.1-3007(5) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that Grace E. Emah, R.N., be placed on INDEFINITE PROBATION for not less than one year of actual nursing employment subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall continue INDEFINITELY. After 12 months of active employment as a professional nurse, Ms. Emah may request

that the Board end this probation.

2. Ms. Emah shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Emah shall provide the name and address of each employer to the Board.

3. Ms. Emah 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.

4. Performance Evaluations shall be provided, at the direction of Ms. Emah, by all nursing employers, as provided by the Compliance Division. The first evaluation must be received in the Board office no later than 60 days from the date this Order is entered or once employed. Subsequent evaluations must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.

5. Ms. Emah shall practice nursing only in a structured / supervised employment setting satisfactory to the Board for the first 12 months after being placed on probation. This employment setting shall provide on-site supervision by a physician or professional nurse who holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Emah shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

6. Ms. Emah 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.

7. Ms. Emah shall return all copies of her license to practice as a professional nurse to the Board office within ten days of the date of entry of this Order. Upon receipt of the old license and a \$5.00 fee, the

Board shall issue a new license marked "Valid in Virginia Only; Probation with Terms."

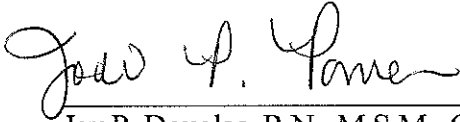
8. Ms. Emah shall conduct herself as a professional nurse, in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Board of Nursing Regulations.

9. This order shall be applicable to Ms. Emah's multistate licensure privilege, if any, to practice nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Emah shall not work outside 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. Emah wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

10. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Emah, and an administrative proceeding shall be held to decide whether her license shall be revoked.

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


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

February 12, 2010
ENTERED

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, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, 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.