

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JANET WILEY, L.P.N.
 License No.: 0002-079274**

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 February 10, 2015, in Henrico County, Virginia, to inquire into evidence that Janet Wiley, L.P.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Wiley was present and was not represented by counsel.

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

FINDINGS OF FACT

1. Janet Wiley, L.P.N., was issued License No. 0002-079274 to practice practical nursing in the Commonwealth of Virginia on October 17, 2008. Said license expires on January 31, 2016. Ms. Wiley’s primary state of residence is Virginia.
2. By letter dated January 13, 2015, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Wiley notifying her that an informal conference would be held on February 10, 2015. The Notice was sent by certified and first class mail to 305 Plantation Lane, Smithfield, Virginia, 23430, the address of record on file with the Board of Nursing.
3. During the course of her employment with Newport News Nursing and Rehabilitation, Newport News, Virginia, on September 1, 2014, Ms. Wiley attempted to give a patient medication other than the Percocet (oxycodone/acetaminophen – Schedule II) that he had been prescribed. Further, she failed to

administer to the patient three doses of Percocet that she had withdrawn, and she diverted all three of the Percocet tablets she had withdrawn for her personal and unauthorized use. She further consumed at least one of the Percocet while on duty, and she replaced the Percocet with another medication to conceal her diversion of the Percocet.

4. Ms. Wiley has had four nursing-related employment terminations since 2009. Another employment ended via resignation in January 2013 after multiple counselings for medication errors. Her most recent employment, which was with an assisted living facility, was terminated for a medication error in February 2015 after six weeks of employment.

5. On her application for employment with Smithfield Medical Center, she stated that she had resigned her previous employment with Riverside Convalescent Center, when, in fact, her employment had been terminated on December 14, 2009.

6. Ms. Wiley is a recovering alcoholic and has not consumed alcohol since September 18, 2004. She stated that she does have addictive behavior. She stated that she completed the twelve-step program on multiple occasions but she is not currently receiving any substance abuse treatment.

7. Ms. Wiley stated that she wants to understand the reasons underlying her numerous performance-related employment terminations and other difficulties in her nursing career. She stated that she believes that her alcoholism, which is prevalent in her family, and untreated depression have had a significant negative impact on her nursing career.

8. She stated at the informal conference that she wishes to enter the Health Practitioners' Monitoring Program and had spoken with the Program's intake manager.

CONCLUSIONS OF LAW

1. Finding of Fact No. 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 (f) of the Regulations Governing the Practice of Nursing ("Regulations").

2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.
3. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(6) of the Code.
4. Based on the above Findings of Fact, the Committee concludes that Ms. Wiley is a candidate for the Health Practitioners' Monitoring Program ("HPMP").

CONSENT

Janet Wiley, L.P.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 a 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 admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice practical 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. License No. 0002-079274 of Janet Wiley, L.P.N., is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Wiley 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. Wiley 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.
5. This suspension shall be STAYED upon proof of Ms. Wiley's entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Ms. Wiley 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 Ms. Wiley, 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. Wiley is not in compliance with the terms and conditions specified by the HPMP;
 - ii. Ms. Wiley's participation in the HPMP has been terminated;
 - iii. There is a pending investigation or unresolved allegation against Ms. Wiley involving a violation of law, regulation, or any term or condition of this order.
6. This Order is applicable to Ms. Wiley's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Wiley 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. Wiley wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

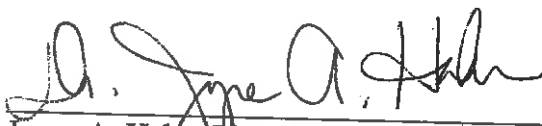
7. Upon receipt of evidence of Ms. Wiley's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Wiley's appearance before the Board and conduct an administrative review of this matter.

8. Ms. Wiley is hereby REPRIMANDED.

9. Ms. Wiley shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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



Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
President, Virginia Board of Nursing

ENTERED: 5-19-15

SEEN AND AGREED TO:

Janet Wiley L.P.N.
Janet Wiley, L.P.N.



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

Subscribed and sworn to before me, Georgina A. Rastatter a Notary Public, this 27 day of April, 2015.

My commission expires 08-31-15.

Registration Number 270968.

Georgina A. Rastatter
NOTARY PUBLIC

Certified True Copy

By dgraham
Virginia Board Of Nursing