

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

RHONDA WITHERSPOON, R.N.

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on January 18, 2011, in Henrico County, Virginia. Rhonda Witherspoon, R.N., was present and was not represented by legal counsel. Janet B. Younger, Ph.D, R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 23, 2011, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Witherspoon was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Rhonda Witherspoon, R.N., was issued License No. 0001-180148 to practice as a professional nurse in Virginia on April 26, 2002. The license is current and is scheduled to expire on July 31, 2012. Her primary state of residence is Virginia.

2. By letter dated December 21, 2010, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Witherspoon notifying her that an informal conference would be held on January 18, 2011. The Notice was sent by certified and first class mail to 10815 Chancellorsville Drive, Spotsylvania, Virginia 22553, the address of record on file with the Board of Nursing.

3. On March 31, 2010, during the course of her employment with Mary Washington

Healthcare, Fredericksburg, Virginia:

a. Ms. Witherspoon appeared to be impaired while on duty in that staff reported that she had slow, slurred speech, and seemed “to be walking around in a fog.” It was also noted that she “acted drunk” and had trouble articulating her report to the oncoming nurse.

b. Ms. Witherspoon failed to administer an ordered dose of IV potassium to Patient A, who had a potassium level of 2.3. She also failed to medicate the patient for pain and she did not complete the patient’s admission paperwork.

c. Ms. Witherspoon failed to document any vital signs on Patient B, who had received a unit of platelets. She also failed to administer medication to this patient as ordered and did not complete the patient’s admission paperwork.

d. There was no patient harm noted as a result of Ms. Witherspoon’s inaction.

4. Ms. Witherspoon’s employment with Mary Washington Healthcare, which began on August 19, 2002, was terminated on April 24, 2010, as a result of her working under the influence of a prescribed substance as referenced above.

5. At the informal conference, Ms. Witherspoon admitted all the allegations and expressed remorse for her actions. She reported that she became addicted to opioids that were prescribed for her following a serious knee injury and subsequent treatment and rehabilitation of the knee in July, 2005, and following a fracture of her right femur in February, 2006. She had an addiction evaluation completed at a drug treatment center in North Carolina, and after the evaluation, she recognized her addiction to prescription drugs and entered an intensive outpatient program at Snowden of Fredericksburg in 2010. Ms. Witherspoon also entered the Health Practitioners’ Monitoring Program (“HPMP”) in May, 2010, and is currently compliant with the terms of her contract. She stated that she attends AA/NA meetings five times per week and has a temporary sponsor with whom she is actively working the 12-step program.

Her reported sobriety date is May 9, 2010. She further indicated that she sees a psychiatrist regularly.

6. Ms. Witherspoon's current medications include Cymbalta, Wellbutrin, Topamax, Trazodone, Lipitor, and Lovassa. She indicated that her current knee pain is manageable with Motrin.

7. Ms. Witherspoon has been a nurse since 1997, and reported being currently employed, with HPMP approval, at a dialysis center since January, 2010.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(5) and (6) of the Code.

2. Findings of Fact Nos. 3(b) and 3(c) constitute violations of §54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing.

3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that it shall TAKE NO ACTION at this time contingent expressly upon Rhonda Witherspoon's compliance with the following terms and conditions:

1. Ms. Witherspoon shall comply with all terms and conditions of the Contract with the HPMP for the period specified in the Contract.

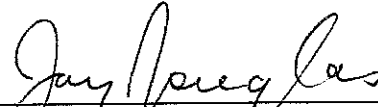
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Witherspoon, and an administrative proceeding shall be held to decide whether her license shall be revoked. Ms. Witherspoon shall be noticed to appear before a Committee at such time as the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

a. Ms. Witherspoon is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP, or

b. There is a pending investigation or unresolved allegations against Ms.

inspection and 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: March 30th, 2011