

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ASHLEY HOGGE HAMAY, R.N.
License Number: 0001-170332
Case Number: 176193

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on January 23, 2017, in Henrico County, Virginia, to inquire into evidence that Ashley Hogge Hamay, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ashley Hogge Hamay, R.N., did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated December 22, 2016, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Hamay notifying her that a formal administrative hearing would be held on January 23, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. According to the U.S. Postal Service website, as of January 6, 2017, Ms. Hamay had not retrieved her certified mail from the post office. The first class mail was not returned to the Board office. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Hamay and the formal hearing proceeded in her absence.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. Ashley Hogge Hamay, R.N. holds License No. 0001-170332 to practice professional nursing in the Commonwealth of Virginia. At all times relevant hereto, said license was in full force and effect. By Order of the Board (“Board’s Order”) entered April 10, 2015, Ms. Hamay’s license was indefinitely suspended, with the suspension stayed contingent upon certain terms and conditions. The stay of suspension was summarily rescinded on September 23, 2016. Ms. Hamay’s primary state of residence is Virginia.
2. The Order entered April 10, 2015 was based on findings that Ms. Hamay abused alcohol.
3. Ms. Hamay entered a Participation Contract with the Health Practitioners’ Monitoring Program (“HPMP”) on April 15, 2015, acknowledging alcohol and marijuana abuse. Ms. Hamay entered Recovery Monitoring Contracts with the HPMP on June 1, 2015 and November 20, 2015.
4. On July 9, 2015, Ms. Hamay’s toxicology screen tested positive for butalbital. Ms. Hamay denied intentionally ingesting the medication, explaining that her mother must have given it to her when she was ill.
5. On August 24, 2015, Ms. Hamay’s toxicology screen tested positive for alcohol. Ms. Hamay denied drinking alcohol.
6. On October 5, 2015, Ms. Hamay failed to call the toxicology screening program line.
7. On August 1, 2016, Ms. Hamay again failed to call the toxicology screening program line. When she was contacted by the HPMP about the missed screen, she verbalized her intention to resign from the HPMP, but failed to resign in writing. On August 2, 2016, Ms. Hamay’s treatment provider advised the HPMP that she withdrew from treatment.

8. Ms. Hamay was dismissed from the HPMP on September 16, 2016 for noncompliance with treatment attendance, screening program and monthly reporting. Ms. Hamay's stay of suspension was summarily rescinded by the Board on September 23, 2016.

9. Despite repeated attempts by the Department of Health Professions to contact Ms. Hamay, she failed to respond regarding this matter.

CONCLUSION OF LAW

1. Finding of Fact No. 8 constitutes a violation of Virginia Code § 54.1-3007(6) and Term No. 5(a) of the Board's Order.

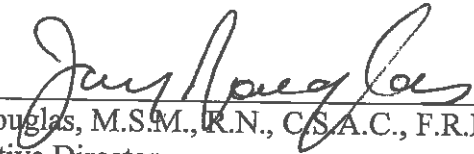
ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Ashley Hogge Hamay, R.N. is REPRIMANDED.
2. The license issued to Ashley Hogge Hamay, R.N., to practice professional nursing in the Commonwealth of Virginia will continue on INDEFINITE SUSPENSION for a period of not less than two years from the date of entry of this Order.
3. The license will be recorded as SUSPENDED.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. Should Ashley Hogge Hamay seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Hamay to demonstrate that she is safe and competent to return to the practice of practical nursing. Ms. Hamay shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



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

ENTERED AND MAILED ON:

February 16th, 2017

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 Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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.

Certified True Copy

By 
Virginia Board Of Nursing