

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       ASHLEY HAMAY, R.N.**  
**License No.: 0001-170332**

**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 February 18, 2015 in Henrico County, Virginia. Ms. Hamay was present and was represented by Amy VanFossen, Esquire. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 25, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Hamay was present and was not 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. Ashley Hamay, R.N., was issued License No. 0001-170332 to practice professional nursing in Virginia on August 3, 2000. Said license is set to expire on January 31, 2017. Ms. Hamay's primary state of residence is Virginia.

2. By letter dated November 17, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Hamay notifying her that an informal conference would be held on December 16, 2014. The Notice was sent by certified and first class mail to Post Office Box 1588, Gloucester, Virginia, 23061, the address of record on file with the Board of Nursing. The informal conference was continued at Ms. Hamay's request. On December 19, 2014, a letter was sent by certified mail to Ms. Hamay to notify her that the informal conference had been rescheduled for February 18, 2015.

3. On March 12, 2014, Ms. Hamay was admitted to the Watershed Addiction Treatment Program, Boca Raton, Florida and was transferred to the Watershed Partial Hospitalization, Delray Beach, Florida, a few weeks later. At the informal conference, Ms. Hamay indicated that she was going through a separation from her husband and that she was having a difficult time and was drinking in excess. Ms. Hamay indicated that things were crumbling around her and her drinking went on for several months before her father and her estranged husband took her to an airport and sent her for treatment in Florida. On April 7, 2014, Ms. Hamay left the treatment facility without facility approval and, according to the facility, Ms. Hamay has not had any further known contact with them since her departure.

4. Following her treatment at Watershed, Ms. Hamay entered into Unity Recovery Group, West Palm Beach, Florida. At the informal conference, Ms. Hamay presented documents from the Unity Recovery Group; the documents indicated that as of April, 2014, she had a “high risk of relapse.” Ms. Hamay indicated that she completed treatment on May 4, 2014 and her date of sobriety was March 12, 2014. Ms. Hamay stated that she attends AA three times a week and has had a sponsor since May, 2014.

5. At the informal conference, Board staff asked Ms. Hamay whether she had any prior substance abuse treatment. Ms. Hamay initially denied any treatment; however, when confronted with documents from Unity Recovery that stated otherwise, Ms. Hamay indicated that she had substance abuse treatment in the 1990’s for cocaine use and had outpatient treatment in 2008 for alcohol use. Ms. Hamay indicated that she was sober for approximately four and a half years before the separation with her husband. Ms. Hamay indicated that her past family experiences have also caused her to suffer with obsessive-compulsive disorder and she described herself as uptight and fragile. Ms. Hamay indicated that she has not received any counseling since her treatment at Unity but stated that she is prescribed Paxil to treat obsessive-compulsive disorder.

6. During the course of her employment at Cumberland Hospital for Children and

Adolescents, New Kent, Virginia, on March 10, 2014, Ms. Hamay administered 8:00 p.m. medications to three juvenile patients during the 8:00 a.m. medication pass. At the informal conference, Ms. Hamay indicated that she did not normally pass medications on her unit but she was on a different unit during this incident. Ms. Hamay stated that after she finished the medication pass she noticed her error and informed the physician. There was no patient harm.

7. Ms. Hamay's employment with Cumberland Hospital was terminated on May 8, 2014, because her leave of absence was not approved and medical documentation to support her continued leave had not been received.

8. An investigator for the Virginia Department of Health Professions made numerous attempts to contact Ms. Hamay; however, Ms. Hamay failed to respond to any of the letters or phone messages. At the informal conference, Ms. Hamay indicated that she was not aware that she needed to respond to the investigator but later indicated that she did not receive the investigator's letters or phone calls.

9. Ms. Hamay began employment at the Lancashire Rehabilitation Convalescent Center, Kilmanarock, Virginia, in June, 2014.

#### 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. 6 constitutes a violation 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.

#### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-170332 of Ashley Hamay, R.N., is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended and no longer current.

3. At such time as Ms. Hamay 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 professional nursing. Ms. Hamay 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 professional nursing.

5. This suspension shall be STAYED upon proof of entry into the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, and compliance with a Recovery Monitoring Contract with the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Hamay 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. Hamay, 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. Hamay is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Hamay's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms.

Hamay involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Hamay's participation and successful completion of the HPMP, the Board, at its discretion, may waive Ms. Hamay's appearance before a Committee and conduct an administrative review of this matter, at which time he/she may be issued an unrestricted license.

7. This Order is applicable to Ms. Hamay's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Hamay 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. Hamay wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

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

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Hamay may, not later than 5:00 p.m., on May 10, 2015, notify Jay P. 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, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:

*Gloria Mitchell-Lively*  
for Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

ENTERED: April 10, 2015

This Order shall become final on May 10, 2015, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By *[Signature]*  
Virginia Board of Nursing