

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**MONIQUE DURET, 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 December 16, 2009, in Henrico County, Virginia. Ms. Duret was not present and was not represented by legal counsel. Jane T. Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 2010, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Duret was not present nor was she represented by legal counsel. Ms. Duret submitted written comments/objections.

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. Monique Duret, R.N., was issued License No. 0001-153978 to practice professional nursing in the Commonwealth of Virginia on June 26, 1997. Said license is current and set to expire on February 28, 2011.
2. By letter dated November 10, 2009, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Duret notifying her that an informal conference would be held on December 16, 2009. The Notice was sent by certified and first class mail to 19100 Wolf Run Lane, Timberville, Virginia 22853, the address of record on file with the Board of Nursing. A certified receipt card signed by Ms. Duret was returned to the Board, indicating receipt of the certified mail on

November 23, 2009. The Notice sent to Ms. Duret's address of record by first class mail was not returned to the Board. The Agency Subordinate concluded that adequate notice was provided to Ms. Duret and the informal conference proceeded in her absence.

3. Ms. Duret is unable to practice nursing safely due to use of drugs and/or alcohol. During the course of her employment with Davita Dialysis, Harrisonburg, Virginia, on November 25, 2008, Ms. Duret was the on-call nurse to provide services at Rockingham Memorial Hospital, Harrisonburg, Virginia. On this date, she was called in to provide dialysis care to a patient; however, on her way to the hospital, she was involved in single-car motor vehicle accident. She submitted to a blood alcohol test that indicated an alcohol level of 0.292.

4. On November 26, 2008, Ms. Duret admitted to her supervisor at Davita Dialysis that she had a drinking problem. Subsequently, as a condition of continued employment, she was ordered to complete an Employee Assistance Program, which she completed on February 19, 2009. Ms. Duret had been employed by Davita Dialysis for ten years, with no prior complaints or concerns. She was not terminated from Davita Dialysis based on this incident.

5. Ms. Duret has been in counseling with Bren McGillivray Smith, L.P.C., Broadway, Virginia, since December 4, 2008. Ms. Smith provided a diagnosis of depressive disorder and generalized anxiety disorder. In an interview on June 12, 2009, with an investigator for the Department of Health Professions, Ms. Smith stated that Ms. Duret reportedly has not consumed any alcohol since her DUI arrest; however, no evidence has been provided that Ms. Duret has submitted to urine drug screens or blood alcohol testing.

#### **CONCLUSIONS OF LAW**

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

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-153978 of Monique Duret, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Duret 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. Duret 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 nursing.
5. This suspension shall be STAYED upon proof of Ms. Duret's entry into the Health Practitioners' Monitoring Program ("HPMP"). At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
  - a. Ms. Duret 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. Duret, 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. Duret is not in compliance with the terms and conditions specified by the HPMP;
    - ii. Ms. Duret's participation in the HPMP has been terminated;
    - iii. There is a pending investigation or unresolved allegation against Ms.

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

6. At such time as the Board is notified that Ms. Duret has successfully participated in and complied with the HPMP, the Board, at its discretion, may waive Ms. Duret's appearance before the Board and conduct an administrative review of this matter.

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

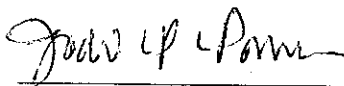
8. Ms. Duret shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing the Practice of Nursing.

Since Ms. Duret failed to appear at the informal conference, this Order shall be considered final. Ms. Duret has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Duret has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within 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, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

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.

FOR THE BOARD

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

Entered: February 5, 2010

**Certified True Copy**  
By dgraham  
**Virginia Board of Nursing**