

VIRGINIA:

BEFORE THE COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE

IN RE: MAILE L'HERROU, R.N., L.N.P.

CONSENT ORDER

The Virginia Committee of the Joint Boards of Nursing and Medicine ("Joint Boards") and Maile L'Herrou, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. L'Herrou's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Maile L'Herrou, R.N., was issued License No. 0001-166793 to practice professional nursing by the Virginia Board of Nursing on September 24, 1999. The license is current and will expire on July 31, 2012. Ms. L'Herrou was also issued License No. 0024-165108 to practice as a nurse practitioner in the category of certified registered nurse anesthetist on March 20, 2002. That license is also current and will expire on July 31, 2012. While Ms. L'Herrou held a license to practice professional nursing in Vermont, said license expired on March 31, 2001. Based on findings by the Board that Ms. L'Herrou was hospitalized after developing a mental health issue, by Order entered on November 24, 2010, the Board took no action on Ms. L'Herrou's nursing licenses, contingent upon her compliance with the Health Practitioners' Monitoring Program ("HPMP"). Her primary state of residence is Virginia.

2. Ms. L'Herrou's psychiatrist stated that he decided to take Ms. L'Herrou off her medications in April, 2010. While attending a conference in Aruba on January 19, 2011, Ms. L'Herrou's mental health issues worsened and she was hospitalized at Horacio Oduber Hospital. She was discharged on January 31, 2011.

3. In a joint letter from Ms. L'Herrou's current treating psychiatrist and licensed professional counselor, they stated that as part of her treatment plan Ms. L'Herrou has her medications managed monthly by

her psychiatrist and attends regular psychotherapy sessions with her licensed professional counselor. Both Ms. L’Herrou’s psychiatrist and licensed professional counselor wrote that Ms. L’Herrou “has done very well with her medication. She is also very consistent with her treatment and understands her treatment plan.” Ms. L’Herrou’s psychiatrist and licensed professional counselor conclude their letter by stating that “we feel it is safe for [Ms. L’Herrou] to keep practicing her profession.”

4. In a letter dated August 25, 2011, Ms. L’Herrou’s on-site HPMP monitor and immediate supervisor establishes that Ms. L’Herrou “is a talented and knowledgeable CRNA who always delivers the highest degree of care in a professional manner.” Furthermore, her on-site HPMP monitor states that “[t]o the best of [his] knowledge, [Ms. L’Herrou’s] compliance with HPMP has been complete” and that Ms. L’Herrou “is capable in every way to fulfill her duties here as a nurse anesthetist.”

5. An anesthesiologist, the Chief of Surgery, and the Assistant Chief of CRNA from Ms. L’Herrou’s current employer all wrote individual letters on behalf of Ms. L’Herrou. All three of these letters speak very highly of Ms. L’Herrou’s skills and work ethic and how important she is to their hospital team.

6. Finally, in a letter written by Ms. L’Herrou’s HPMP case manager, dated August 30, 2011, her case manager discloses that even with Ms. L’Herrou’s episode in January of 2011, Ms. L’Herrou “is fully compliant with her Recovery Monitoring Contract and urine toxicology screen at this time.”

CONCLUSIONS OF LAW

Findings of Fact Nos. 2 and 3 constitute a violation of §54.1-3007(6) of the Code of Virginia (1950), as amended (“Code”).

CONSENT

Maile L’Herrou, R.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 an informal fact finding conference before the Board, the right to reasonable notice of such hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;

4. She waives all such right to an informal conference;

5. She neither admits nor denies the Findings of Fact and Conclusions of Law contained herein, but she 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 as a nurse practitioner in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Committee of the Joint Boards of Nursing and Medicine, shall TAKE NO ACTION contingent on the following conditions:

1. Ms. L’Herrou shall continue to comply with all terms and conditions of her HPMP contract for the period specified by HPMP.

2. Any violation of the terms and conditions stated in this Order may constitute grounds for the suspension or revocation of the license of Ms. L’Herrou, and an administrative proceeding shall be convened to determine if such action is warranted. Ms. L’Herrou shall be noticed to appear before the Joint Boards at such time as the Joint Boards is notified that:

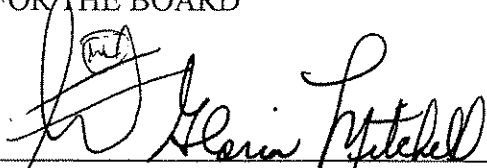
a. Ms. L’Herrou is not in compliance with the terms and conditions of her HPMP contract, or has been terminated from participation in HPMP;

b. There is a pending investigation or unresolved allegation against Ms. L’Herrou involving a violation of law or regulation or any term or condition of this Order; or


c. Ms. L’Herrou has successfully completed the above-referenced period of participation in HPMP. However, upon receipt of Ms. L’Herrou’s participation in and compliance with HPMP, the Joint Boards, at its discretion, may waive Ms. L’Herrou’s appearance before the Joint Boards and conduct an administrative review of this matter.

3. Ms. L’Herrou shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of Va. Code § 54.1-3000 *et seq.* and the Regulations Governing the Licensure of Nurse Practitioners.

FOR THE BOARD

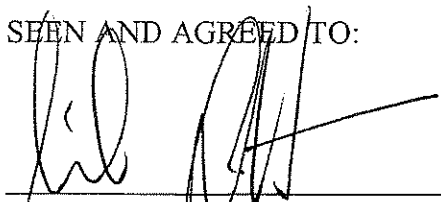

for Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

Certified True Copy

By 
Virginia Board of Nursing

ENTERED: October 13, 2011

SEEN AND AGREED TO:


Maile L’Herrou, R.N.

COMMONWEALTH OF VIRGINIA,

COUNTY/CITY OF PRINCE EDWARD, TO WIT:

Subscribed and sworn to before me, BARBARA FEINMAN, a Notary Public, this 30th day of SEPTEMBER, 2011.

My commission expires 12-31-2012

Registration Number 159320


NOTARY PUBLIC

