

VIRGINIA:

BEFORE THE COMMITTEE OF
THE JOINT BOARDS OF NURSING AND MEDICINE

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

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 Committee of the Joint Boards of Nursing and Medicine ("Committee of the Joint Boards") on June 8, 2010, in Henrico County, Virginia. Maile L'Herrou, R.N., L.N.P., 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 Committee of the Joint Boards, submitted a Recommended Decision for consideration.

On October 13, 2010, a quorum of the Committee of the Joint Boards met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. L'Herrou was not present nor was she represented by legal counsel.

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

FINDINGS OF FACT

1. Maile L'Herrou, R.N., L.N.P., was issued License No. 0001-166793 to practice as a professional nurse in Virginia 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. The nurse practitioner license is also current and will expire on July 31, 2012.

2. By letter dated May 12, 2010, the Board sent a Notice of Informal Conference (“Notice”) to Ms. L'Herrou notifying her that an Informal Conference would be held on June 8, 2010. The Notice was sent by certified and first class mail to 2275 Ballsville Road, Powhatan, Virginia 23139, the address of record on file with the Board of Nursing.

3. Ms. L'Herrou was involuntarily admitted to Tucker Pavilion, CJW Medical Center, Richmond, Virginia, on January 12, 2010, after developing a delusional obsession over a physician. At the time of her admission, Ms. L'Herrou was employed by a group practice where she provided care for all types of surgeries. In the weeks prior to her involuntary admission, Ms. L'Herrou made repeated unsolicited phone calls during off hours to the physician and on several occasions, she waited outside his operating room to see him. In an interview with a Department of Health Professions investigator, the physician stated that he felt threatened by Ms. L'Herrou's bizarre and delusional behavior.

4. At the informal conference, Ms. L'Herrou stated that her delusional thoughts towards her friends, family and co-workers began to "spiral" in July 2009. As a result of her behavior in the course of her duties, Ms. L'Herrou was disciplined and referred to the employee assistance program. Ms. L'Herrou stated at the informal conference that she did not threaten the physician but did not deny that he might have felt threatened by her behavior. Ms. L'Herrou acknowledged that she had no personal relationship with the physician and stated she later apologized to him for her conduct. Ms. L'Herrou's employment with her practice was terminated on January 31, 2009.

5. Ms. L'Herrou executed a Participation Contract with the Health Practitioners' Monitoring Program (“HPMP”) on March 4, 2010, in which she acknowledged that her psychiatric disorder may impair her ability to practice safely. Ms. L'Herrou executed a Recovery Monitoring Contract on March 30, 2010. The Recovery Monitoring Contract was revised on May 24, 2010, to allow Ms. L'Herrou to return to practice. Ms. L'Herrou is currently employed as a C.R.N.A., at

Southside Community Hospital, Farmville, Virginia. Ms. L’Herrou’s HPMP case manager submitted a Compliance Report in which she stated that Ms. L’Herrou is fully compliant with the terms and conditions of her Recovery Monitoring Contract.

6. At the informal conference, Ms. L’Herrou stated that the HPMP program had been and continues to be helpful in her treatment. She also stated that she is continuing to receive treatment from a therapist and a psychiatrist.

CONCLUSIONS OF LAW

Findings of Fact #3, #4, and #5 constitute a violation of §54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Committee of the Joint Boards shall TAKE NO ACTION contingent on the following conditions:

a. Ms. L’Herrou shall comply with all terms and conditions for the period specified by the Health Practitioners’ Monitoring Program (“HPMP”).

b. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. L’Herrou, and an administrative proceeding shall be held to decide whether her licenses should be revoked. Ms. L’Herrou shall be noticed to appear before the Committee of the Joint Boards at such time as the Committee of the Joint Boards is notified that:

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

ii. 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

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

2. Ms. L’Herrou shall maintain a course of conduct in her capacity as a nurse practitioner commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

This Order is subject to appeal to the Committee of the Joint Boards. If Ms. L’Herrou desires a formal administrative hearing before the Committee of the Joint Boards pursuant to §§2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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 COMMITTEE OF THE JOINT BOARDS

Certified True Copy

By Kushel Blanton
Virginia Board of Nursing

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

Entered: November 24, 2010