

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: CYNTHIA M. McFARLAND, R.N.
License No.: 0001-107161**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on April 8, 2015, in Henrico County, Virginia, to inquire into evidence that Cynthia M. McFarland, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. McFarland was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Cynthia E. McFarland, R.N., was issued License No. 0001-107161 to practice professional nursing by the Board on August 17, 1987. Said license expired on September 30, 2013. Her primary state of residence is Virginia.
2. Based upon the representations of Tammie D. Jones and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. On March 1, 2013, after being terminated from PL Physicians – Pediatrics, Fredericksburg, Virginia, Ms. McFarland diverted a prescription pad and wrote prescriptions for Xanax (alprazolam, Schedule IV), hydrocodone (Schedule III), and Adderall (amphetamine and dextroamphetamine, Schedule II).

4. During the course of her employment with PL Physicians – Pediatrics, Fredericksburg, Virginia:

a. Prior to leaving employment on March 1, 2013, Ms. McFarland failed to complete progress notes on the patients she treated. Further, during the three weeks of employment, Ms. McFarland was unable to effectively utilize the electronic medical records and was unable to complete her charting on a daily basis.

b. On February 27, 2013, Ms. McFarland entered an order for a five-year-old child for epirubicin 2mg/ml, a chemotherapeutic drug, with instructions to take one vial IV. Said medication was the wrong drug and was an excessive dose for this patient.

5. Ms. McFarland's treating physician reported that Ms. McFarland suffered a traumatic brain injury approximately ten years ago and has had trouble concentrating since that time. She is prescribed Xanax, Adderall and Ambien. She has also been diagnosed with Behcet's disease, a chronic inflammatory disease.

6. During her employment at PL Physicians - Pediatrics, Ms. McFarland had a hard time focusing and was easily distracted and impulsive.

7. On December 17, 2012, in the General District Court of Prince William County, Virginia, Ms. McFarland was convicted of misdemeanor disorderly conduct. She had originally been charged with felony attempted malicious wounding on a police officer. As part of her sentence, Ms. McFarland was ordered to "comply with mental health treatment." Because Ms. McFarland did not disclose the names of any mental health treatment providers or sign any release of information forms, the Department of Health Professions investigator was unable to determine if she was compliant with this requirement.

8. Ms. McFarland did not appear for scheduled meetings with the investigator and sent numerous text messages accusing the investigator of harassment.

9. Ms. McFarland was convicted of misdemeanor shoplifting on March 12, 2015, in the Circuit

Court of Stafford County, Virginia, for an offense that occurred on July 24, 2014. She was sentenced to 30 days in jail with four days suspended and ordered to pay \$469.00 in court costs

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (3), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”).
2. Finding of Fact No. 4(a) 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.
3. Finding of Fact No. 4(b) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations.
4. Findings of Fact Nos. 5 and 6 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The right of Cynthia E. McFarland, R.N., to renew License No. 0001-107161 to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED for a period of not less than two years.
2. The license of Ms. McFarland will be recorded as SUSPENDED and no longer current. Should Ms. McFarland seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.
3. At such time as Ms. McFarland shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing .

4. This Order shall be applicable to Ms. McFarland's multistate licensure privileges, if any, to practice professional nursing.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

Jay P. Douglas
for Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

April 30, 2015
ENTERED

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 P. Douglas, MSM, RN, CSAC, FRE, 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 *J. Graham*
Virginia Board Of Nursing