

VIRGINIA:

BEFORE THE COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE

**IN RE: CYNTHIA M. McFARLAND, R.N., L.N.P.
License No.: 0024-164507, 0017-137245**

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 quorum of the Committee of the Joint Boards of Nursing and Medicine ("Committee of the Joint Boards") on April 8, 2015, in Henrico County, Virginia, to inquire into evidence that Cynthia M. McFarland, R.N., L.N.P., may have violated certain laws and regulations governing nurse practitioner 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 Committee of the Joint Boards adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Cynthia E. McFarland, R.N., L.N.P., was issued License No. 0024-164507 to practice as a nurse practitioner by the Committee of the Joint Boards on September 6, 2000, and Prescriptive Authority No. 0017-137245 on February 9, 2001. Both licenses expired on September 30, 2013.
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 outside of a written practice

agreement, for Xanax (alprazolam, Schedule IV), hydrocodone (Schedule III), and Adderall (amphetamine and dextroamphetamine, Schedule II), for people with whom she did not have a bona fide practitioner-patient relationship.

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) and 54.1-3303(A) of the Code, 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing, 18 VAC 90-30-220(4) of the Regulations Governing the Licensure of Nurse Practitioners, and 18 VAC 90-40-121 and 90-40-130(A)(1) of the Regulations for Prescriptive Authority for Nurse Practitioners.

2. Finding of Fact No. 4(a) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code, 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing and 18 VAC 90-30-220(4) of the Regulations Governing the Licensure of Nurse Practitioners.

3. Finding of Fact No. 4(b) constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code, 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing and 18 VAC 90-30-220(4) of the Regulations Governing the Licensure of Nurse Practitioners.

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

ORDER

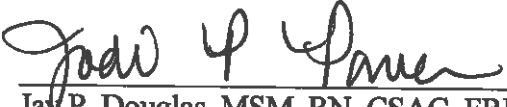
WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The right of Cynthia M. McFarland, R.N., L.N.P., to renew License No. 0024-164507 to practice as a nurse practitioner in the Commonwealth of Virginia and Prescriptive Authority No. 0017-137245 are hereby REVOKED.

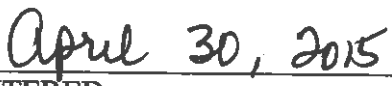
2. The license and prescriptive authority of Ms. McFarland will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Ms. McFarland seek reinstatement of her license and prescriptive authority after three years, she shall be responsible for any fees that may be required for the reinstatement of her license and prescriptive authority prior to issuance of her license and prescriptive authority to resume practice. The reinstatement of Ms. McFarland's license and prescriptive authority shall require the affirmative vote of three-fourths of the members at a meeting of the Committee of the Joint Boards.

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 COMMITTEE OF THE JOINT BOARDS



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



ENTERED

Certified True Copy
By 

Virginia Board Of Nursing

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.