

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**NEALYNN STAPLETON, L.P.N.
License No.: 0002-082450**

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 January 7, 2015, in Henrico County, Virginia. Nealynn Stapleton, L.P.N., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 25, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Stapleton was not present nor was she represented by legal counsel.

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. Nealynn Stapleton, L.P.N., was issued License No. 0002-082450 to practice as a practical nurse in Virginia on May 19, 2010. The license is scheduled to expire on May 31, 2016. Her primary state of residence is Virginia.
2. By letter dated December 15, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Stapleton notifying her that an informal conference would be held on January 7, 2015. The Notice was sent by certified and first class mail to 427 Lester Road #8, Newport News, Virginia 23601, the address of record on file with the Board of Nursing.
3. Ms. Stapleton suffers from mental illness and substance abuse, which require medication

and treatment, and for which she was hospitalized from May 30 until June 3, 2014, at Maryview Medical Center Behavioral Medicine Unit. Her discharge diagnoses were major depressive disorder, single episode, and cocaine abuse.

4. At the informal conference, Ms. Stapleton stated that she has a history of cocaine use since 2004, and admitted to using the night before her hospital admission. She indicated that she had been drug-free for two years when she relapsed in February, 2014. She reported that she goes to NA meetings four times per week, and has a sponsor. She also stated that she is not currently on any medications. She further reported her sobriety date as October, 2014.

5. Ms. Stapleton has worked on the mental health ward of the VA Medical Center since 2010. In an interview with an investigator with the Virginia Department of Health Professions on October 28, 2014, her nurse manager reported that Ms. Stapleton's performance evaluations have been excellent, and that she is a very good nurse who functions at an R.N. level. She also stated that there has never been a suspicion that Ms. Stapleton was impaired on duty, and that there have been no discrepancies related to medications administered by Ms. Stapleton.

6. Ms. Stapleton has not enrolled in the Health Practitioners' Monitoring Program ("HPMP").

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitute violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board shall TAKE NO ACTION contingent on the following conditions:
 - a. Nealynn Stapleton, L.P.N., shall enter into a contract with the HPMP within 90 days of the entry of this Order.

b. Thereafter, Ms. Stapleton shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Stapleton, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Ms. Stapleton shall be noticed to appear before the Board at such time as the Board is notified that:

- a. She has failed to make application to the HPMP;
- b. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- c. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or
- d. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Stapleton's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Stapleton's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Stapleton 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.

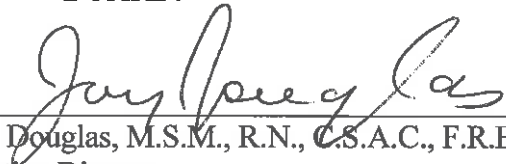
4. Ms. Stapleton shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing

Regulations.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Stapleton may, not later than 5:00 p.m., on **May 5, 2015**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD:



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

ENTERED: April 2nd, 2015

This Order shall become final on **May 5, 2015**, unless a request for a formal administrative hearing is received as described above.