

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LAURIE ESTNESS, L.P.N.
License No.: 0002-033071

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 September 16, 2015, in Henrico County, Virginia, to inquire into evidence that Laurie Estness, L.P.N., may have violated certain laws governing nursing practice in Virginia and certain terms and conditions imposed on her, as set forth in the Order of the Board entered on August 6, 2014. The case was presented by Wendy Deaner, Adjudication Specialist, Administrative Proceedings Division. James Rutkowski, Assistant Attorney General, was present as legal counsel for the Board. Ms. Estness 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. Laurie Estness, L.P.N., was issued License No. 0002-033071 to practice practical nursing in the Commonwealth of Virginia on June 3, 1983. Said license was suspended by an Order of the Board entered August 6, 2014. The suspension was stayed contingent upon certain terms and conditions. The stay was rescinded on April 1, 2015, and said license was indefinitely suspended. Ms. Estness' primary state of residence is Virginia.

2. Based upon the representations of Wendy Deaner, Adjudication Specialist, and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Statement of Particulars, Allegation Summary Worksheet and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided

to the respondent and the hearing proceeded in her absence.

3. By Board Order entered August 6, 2014, Ms. Estness' license to practice practical nursing was indefinitely suspended due to her inability to safely practice due to substance abuse. The suspension was stayed contingent upon certain terms and conditions, including entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP".)

4. On March 23, 2015, Ms. Estness was dismissed from the HPMP for noncompliance, for the following reasons:

a. On January 30, 2015 and February 11, 2015, Ms. Estness tested positive for alcohol. By her own admission, she consumed alcohol on January 29, 2015 and February 6, 2015.

b. On January 27, 2015, Ms. Estness submitted a dilute urine specimen.

c. Ms. Estness failed to enter into an intensive outpatient program with the Counseling Center, after a referral from her case manager.

d. On February 24, 2015, Ms. Estness submitted a letter of resignation to the HPMP.

5. Ms. Estness' stay of indefinite suspension was summarily rescinded on April 1, 2015.

6. On April 27, 2015, Ms. Estness indicated that she did not wish to participate in the Virginia Department of Health Professions investigation, and she declined to be interviewed.

CONCLUSIONS OF LAW

The Board concludes that Findings of Fact Nos. 4(a), (b), (c) and (d) constitute a violation of §54.1-3007(6) of the Code and Term No. 5 of the Board's Order entered August 6, 2014.

ORDER

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

1. License No. 0002-033071 issued to Laurie Estness, L.P.N., to practice practical nursing in the Commonwealth of Virginia is hereby continued on INDEFINITE SUSPENSION.

2. The license of Ms. Estness will be recorded as SUSPENDED. Should Ms. Estness 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. Estness 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 practical nursing.

4. This Order shall be applicable to Ms. Estness' multistate licensure privileges, if any, to practice practical nursing.

5. Ms. Estness is hereby REPRIMANDED.

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


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

September 30, 2015
ENTERED

Certified True Copy

By dgahan
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.