

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: ROBIN DAVIS (THOMPSON), L.P.N.
 License No.: 0002-085104**

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 December 16, 2014 in Henrico County, Virginia. Ms. Davis (Thompson) was present and was not represented by legal counsel. Judith Piersall, R.N., B.S.N., 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. Davis (Thompson) 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. Robin Davis (Thompson), L.P.N., was issued License No. 0002-085104 to practice practical nursing in Virginia on July 7, 2011. Said license is set to expire on September 30, 2015. Ms. Davis (Thompson)'s primary state of residence is Virginia.

2. By letter dated November 17, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Davis (Thompson) notifying her that an informal conference would be held on December 16, 2014. The Notice was sent by certified and first class mail to 9111 Hopkins Gap Road, Fulks Run, Virginia, 22830, the address of record on file with the Board of Nursing. The Notice was also

sent to 340 Bell View Road, Harrisonburg, Virginia, 22802, a secondary address.

3. During the course of her employment with Avante at Harrisonburg, Harrisonburg, Virginia, on May 20, 2014, by her own admission, Ms. Davis (Thompson) diverted oxycodone from a resident's "as needed" supply for her own personal and unauthorized use. Ms. Davis (Thompson) then threw away the narcotics card to hide her actions. Ms. Davis (Thompson) indicated that she gave the resident three tablets and then took three tablets for herself. Furthermore, Ms. Davis (Thompson) did not document the administration of the medication to the patient on the medication administration record or on the controlled drug receipt/record form.

4. On May 21, 2014, Ms. Davis (Thompson)'s employer requested Ms. Davis (Thompson) to submit to a urine drug screen, the results of which were positive for opiates, oxycodone and methamphetamine.

5. Ms. Davis (Thompson)'s employment with Avante at Harrisonburg was terminated on May 21, 2014.

6. On August 8, 2014, Ms. Davis (Thompson) was admitted to Mount Regis Center, Salem, Virginia, for substance abuse treatment. By her own admission, Ms. Davis (Thompson) sought treatment for her addiction to "meth." She was released from treatment on September 16, 2014. Ms. Davis (Thompson) currently attends NA meetings four times a week as well as church. She also participates in a women's recovery group with her local community services board. Ms. Davis (Thompson) has a sponsor and she indicated her date of sobriety is August 16, 2014.

7. Ms. Davis (Thompson) was charged with one count of obtaining prescription drugs by fraud, first offense, in the Rockingham County, Virginia, Circuit Court and she was given a deferred disposition on September 26, 2014. The next review of her case is scheduled for September 30, 2016. At

the informal conference she indicated that her probation officer can do random drug tests as well as random searches of her and/or her home; she reports to her probation officer once a month.

8. At the informal conference Ms. Davis (Thompson) indicated she was diagnosed with bipolar disorder in 2008 and is on the waiting list for services at Valley Behavioral Health. She is currently prescribed Suboxone to help with her cravings but she does not plan to take it long-term. She is also prescribed lithium, trazodone and Neurontin, all of which are prescribed by her primary care physician.

9. Ms. Davis (Thompson) indicated she would be willing to enter into the Health Practitioners' Monitoring Program, if that was made an option for her.

10. Ms. Davis (Thompson) stated she is not currently employed but she is seeking employment outside of nursing at this time.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of §54.1-3007(2), (5), (6) and (8) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-20-300(A)(2)(c) and (k) of the Regulations Governing the Practice of Nursing ("Regulations").

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

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0002-085104 of Robin Davis Davis (Thompson), L.P.N., is INDEFINITELY SUSPENDED.

2. The license will be recorded as suspended and no longer current.

3. This suspension applies to any multistate privilege to practice practical nursing.

4. At such time as Ms. Davis (Thompson) shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of nursing. Ms. Davis (Thompson) shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

5. This suspension shall be STAYED upon proof of entry into the HPMP and compliance with a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Davis (Thompson) shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Davis (Thompson), and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Davis (Thompson) is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Davis (Thompson)'s participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms.

Davis (Thompson) involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence of Ms. Davis (Thompson)'s participation and successful

completion of the HPMP, the Board, at its discretion, may waive Ms. Davis (Thompson)'s appearance before a Committee and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

7. This Order is applicable to Ms. Davis (Thompson)'s multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Davis (Thompson) 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 Ms. Davis (Thompson) wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

8. Ms. Davis (Thompson) 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. Davis (Thompson) may, not later than 5:00 p.m., on May 4, 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:

Gloria Mitchell-Lively
for Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED: April 1, 2015

This Order shall become final on May 4, 2015, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By *[Signature]*
Virginia Board of Nursing