

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: AMBER D. HARRIS, L.P.N.
License No.: 0002-066126

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 9, 2014, in Henrico County, Virginia. Amber D. Harris, L.P.N., was present and was not represented by legal counsel. Janet B. Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 19, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Harris was present and was not 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. Amber D. Harris, L.P.N., was issued License No. 0002-066126 to practice practical nursing in Virginia on April 25, 2003. The license is scheduled to expire on August 31, 2014. Her primary state of residence is Virginia.
2. By letter dated December 11, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Harris notifying her that an informal conference would be held on January 9, 2014. The Notice was sent by certified and first class mail to 6526 Woodlake Village Court, Apt. B, Midlothian, Virginia 23112, the address of record on file with the Board of Nursing.
3. On May 30, 2013, during an interview with an investigator from the Department of Health Professions, Ms. Harris admitted to substance abuse dating back to 2005, when she received Vicodin for

the treatment of rheumatoid arthritis. She admitted to using heroin and oxycodone and chewing fentanyl patches.

4. Ms. Harris was hospitalized at Poplar Springs Hospital from March 29 to April 5, 2013, for major depression and opiate dependence. On April 15, 2013, Ms. Harris entered Rubicon Hope for residential substance abuse treatment. She successfully completed the program on May 13, 2013.

5. Ms. Harris entered a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on April 23, 2013. She was dismissed from the HPMP on November 18, 2013, due to noncompliance. In a report dated November 15, 2013, the HPMP reported that Ms. Harris obtained a hydrocodone prescription on August 6, 2013, which she failed to report to the HPMP. She also failed to call the drug screen test line on August 9 and September 6, 2013, and failed to submit drug screens on September 19 and 23, 2013. On September 19, 2013, Ms. Harris reported relapsing on hydrocodone and marijuana. The HPMP recommended that Ms. Harris attend 90 twelve-step meetings in 90 days, submit a relapse prevention plan and call the drug screen test line daily. On October 2, 2013, Ms. Harris reported that she was resigning from the program.

6. At the informal conference, Ms. Harris stated that she resigned from the HPMP because she could not afford it. She has been diagnosed with bipolar disorder and depression. She currently receives counseling at Henrico Mental Health twice a month and sees a psychiatrist. She also receives in-home counseling through Intercept twice a week. Ms. Harris reported a sobriety date of April 12, 2013, and that she attends Narcotics Anonymous three times a week. Her last nursing position was in 2011 at Health Force Healthcare.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3 – 6 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED that Amber D. Harris, L.P.N., shall be placed on PROBATION for two years of actual nursing practice subject to the following terms and conditions:

1. The period of probation shall begin on the date that the Order is entered and shall end at such time as Ms. Harris has completed two years of active employment as a licensed practical nurse. The license of Ms. Harris shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation, or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400(9) et seq. of the Code.
2. Ms. Harris shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs. Additionally, Ms. Harris shall provide the name and address of each employer to the Board.
3. Ms. Harris shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Harris is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.
4. Performance Evaluations shall be provided, at the direction of Ms. Harris, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends.
5. Ms. Harris shall practice nursing only in a structured, supervised employment setting

satisfactory to the Board for the first two years after being placed on probation. This employment setting shall provide on-site supervision by a physician or professional nurse, who works the same shift, on the same level of the building and holds an unrestricted license. For all current nursing employment, and before beginning or changing nursing employment during this period, Ms. Harris shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

6. For the first two years of employment as a licensed practical nurse after being placed on probation, Ms. Harris shall not administer any Schedule II - V controlled substances.

7. Ms. Harris shall not use alcohol or any other mood altering chemical, except as prescribed by a health care practitioner with whom she has a bona fide practitioner/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any Schedule II-V controlled medication, a written report from the prescribing practitioner shall be provided to the Board within ten days of the date the medication is prescribed.

8. Ms. Harris shall be required to have two supervised, unannounced random drug screens a month, from a Board approved testing entity, which includes testing for alcohol and the following drugs of choice: fentanyl, heroin, methadone, opiates, and benzodiazepines. Ms. Harris shall ensure that the first set of results is received by the Board no later than 60 days from the date this Order is entered. Subsequent results must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends. The Board shall be notified immediately in writing of any positive results or if Ms. Harris refuses to give a specimen for analysis as required by this Order. All positive results must be confirmed by a confirmatory drug test, the results of which are to be sent to the Board immediately.

9. Ms. Harris shall attend Narcotics Anonymous support group meetings two times per week

and shall have written evidence of attendance by a sponsor or contact person sent to the Board within 30 days of each meeting.

10. Ms. Harris shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

11. Ms. Harris shall submit quarterly "Self-Reports" which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends.

12. Ms. Harris shall return all copies of her license to practice as a licensed practical nurse to the Board office within ten days of the date of entry of this Order, along with a payment of a fee of \$15.00. Upon receipt, the Board shall issue a new license marked "Valid in Virginia Only; Probation with Terms."

13. Ms. Harris shall conduct herself as a licensed practical nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Regulations Governing the Practice of Nursing.

14. Any violation of the stated terms and conditions contained in the Order, or failure to comply with all terms of the Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Amber D. Harris, L.P.N., and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

15. The Order is applicable to Ms. Harris' multistate licensure privileges, if any, to practice

practical nursing. For the duration of the Order, Ms. Harris 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.

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. Harris may, not later than 5:00 p.m., on May 12, 2014, 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:

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

ENTERED: *April 9, 2014*

This Order shall become final on May 12, 2014 unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By *[Signature]*
Virginia Board of Nursing