

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

JENNIFER PRESLEY, R.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Jennifer Presley, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Presley's license to practice professional nursing.

FINDINGS OF FACT

1. Jennifer Presley, R.N., was issued License No. 0001-110948 to practice professional nursing by the Virginia Board of Nursing on August 23, 1988. Said license is set to expire on June 30, 2008.

2. The Board entered an Order on March 5, 2007 ("Board's Order"), ordering that the Board would take no action contingent upon Ms. Presley's compliance with the terms and conditions of the Recovery Monitoring Contract with the HPIP for the period specified in the contract. Ms. Presley was dismissed from the HPIP on February 14, 2008. Specifically:

- a. On April 30, 2007, Ms. Presley had a positive urine drug screen for ethyl glucuronide.
- b. On July 31, 2007, Ms. Presley had a positive urine drug screen for ethanol and admitted to her HPIP case manager that she had been consuming alcohol at an increasing level for the preceding six weeks.
- c. Ms. Presley failed to enter and complete treatment for addiction.

CONCLUSIONS OF LAW

Finding of Fact #2 constitutes a violation of the Board's Order.

CONSENT

Jennifer Presley, R.N., by affixing her signature hereon, agrees to the following:

1. Ms. Presley has been advised to seek advice of counsel prior to signing this document;
2. Ms. Presley acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. Ms. Presley acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. Ms. Presley waives all such right to a formal hearing;
5. Ms. Presley admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. Ms. Presley consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. License No. 0001-110948 of Jennifer Presley is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Presley 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 professional nursing. Ms. Presley 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.
4. This suspension applies to any multistate privilege to practice professional nursing.

5. This suspension shall be STAYED upon proof of entry into the HPIP and not less than one (1) months' compliance with a Recovery Monitoring Contract with the Health Practitioners' Intervention Program ("HPIP") 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 HPIP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Presley shall comply with all terms and conditions for the period specified by the HPIP.

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/certificate/multistate privilege of Ms. Presley, and an administrative proceeding shall be held to determine whether his/her license/certificate/multistate privilege shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Presley is not in compliance with the terms and conditions specified by the HPIP;

ii. Ms. Presley's participation in the HPIP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Presley involving a violation of law, regulation, or any term or condition of this order.

6. Upon receipt of evidence that Ms. Presley has successfully completed the above-referenced period of participation in the HPIP, the Board, at its discretion, may waive Ms. Presley's appearance before the Board and conduct an administrative review of this matter.


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

8. Ms. Presley shall maintain a course of conduct in her capacity as a registered nurse commensurate with the requirements of § 54.1-3000 et seq. of the Code and the Board of Nursing Regulations.

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 upon request.

FOR THE BOARD


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

ENTERED: May 30th, 2008

SEEN AND AGREED TO:


Jennifer Presley, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Fredericksburg, TO WIT:

Subscribed and sworn to before me, Kristin J. Waters, a Notary Public, this 16th day of May, 2008.

My commission expires 03/31/2011.

Registration Number 7099739.

Kristin J. Waters
NOTARY PUBLIC

