

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

JENNIFER DALY, R.N.

CONSENT ORDER

After an Informal Conference held on December 10, 1991, pursuant to § 54.1-110 and § 54.1-3010 of the Code of Virginia (1950), as amended, which Conference was properly noticed and attended by the parties hereto, the Virginia Board of Nursing and Jennifer Daly, R.N., enter into this Consent Order.

FINDINGS OF FACT

1. Jennifer Daly, R.N., holds License No. 0001-110948, issued by the Virginia Board of Nursing.
2. From on or about November 9, 1986 to December 9, 1986, Ms. Daly received inpatient treatment at Arlington Hospital, Arlington, Virginia, with a discharge diagnosis of acute and chronic alcohol abuse, and chronic polydrug abuse. She was discharged with a poor prognosis.
3. During April, 1987, by her own admission, Ms. Daly admitted herself to the Hazelton Facility in Minnesota for treatment of alcohol abuse.
4. On or about January 15, 1988, Ms. Daly admitted herself to Arlington Hospital with a diagnosis of acute chronic alcoholism. She was discharged on the day of admission as no follow-up plans were agreed upon.
5. On or about August 28, 1988, Ms. Daly admitted herself to the Emergency Room at Roanoke Memorial Hospital, Roanoke, Virginia, after trying to drive her car into a tree. She left against medical advice on August 30, 1988, with a final diagnosis of chronic alcohol abuse and alcohol intoxication.
6. On or about December 7, 1988, Ms. Daly admitted herself to the Emergency Room at Roanoke Memorial Hospital seeking treatment for chronic

alcoholism. She left against medical advice on December 9, 1988, with a final diagnosis of acute and chronic alcoholism.

7. On or about December 12, 1988, Ms. Daly presented herself to the Emergency Room at Roanoke Memorial Hospital complaining of seizures and heavy drinking. She was not admitted to the Alcohol Rehabilitation Program because of having recently signed out against medical advice.

8. On or about December 15, 1988, Ms. Daly was admitted by a temporary detention order to Roanoke Memorial Hospital. She was discharged on December 16, 1988, with a diagnosis of dysthymic disorder and drug and alcohol abuse.

9. On or about December 16, 1988, Ms. Daly was admitted on a temporary detention order to Catawba Hospital, Catawba, Virginia. She was discharged on December 22, 1988, with a discharge diagnosis of, "alcohol dependence in a cyclothymia and polysubstance abuse from [her] history and in remission."

10. On or about December 22, 1988, Ms. Daly was transferred on a voluntary basis from Catawba Hospital to Roanoke Valley Psychiatric Center, Salem, Virginia. She was discharged on January 18, 1989, with a diagnosis of substance abuse disorder, alcoholism, and a recommendation that she continue in active outpatient individual therapy as well as continue in the twelve-week aftercare alcohol program.

11. On or about March 23, 1989, during the course of her employment with Lewis-Gale Hospital, Salem, Virginia, Ms. Daly reported to work with the smell of alcohol on her breath. An alcohol screen revealed her blood alcohol level to be 0.1. She was subsequently suspended from her employment for three days.

12. On or about July 2, 1989, Ms. Daly was admitted on a temporary detention order to Roanoke Memorial Hospital, Roanoke, Virginia, for alcohol

abuse. She was transferred on July 3, 1989, by a court order, to another facility.

13. On or about August 30, 1989, Ms. Daly signed a contract agreeing to abide by the terms of the HCA Lewis-Gale Hospital's Drug and Alcohol Screening Policy, and agreed to notify her employer of any criminal drug statute conviction.

14. On or about September 25, 1989, during the course of her employment at Lewis-Gale Hospital, Ms. Daly telephoned the hospital to say that she would be in for work; however, she failed to show up. Her employment was subsequently terminated on September 25, 1989. By her own admission, she had been drinking.

15. On or about April 9, 1988, Ms. Daly falsified her application for licensure by examination in that she answered, "no," to question (3)(d): "Have you ever been physically or emotionally dependent upon the use of alcohol, drugs, narcotics, chemicals or any other type of material or treated by, consulted with, or been under the care of a licensed professional for substance abuse?"

16. Ms. Daly states she was employed from October 1989 to November 1991 at the Health Department in Roanoke, Virginia.

17. Ms. Daly states a sobriety date of April 1991.

18. Ms. Daly has been employed since December 1, 1991, at Medical College of Virginia, Richmond, Virginia.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that Jennifer Daly, R.N., has violated § 54.1-3007(1) and (6) of the Code of Virginia (1950), as amended, and § 4.1A(2) of the Board of Nursing Regulations.

CONSENT

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

1. She acknowledges that she has been specifically advised to seek advice of counsel prior to signing this document;
2. She acknowledges that she is fully aware that without consent, no legal action can be taken against her, except pursuant to the Virginia Administrative Process Act, § 9-6.14:1, et seq, of the Code of Virginia, 1950, as amended;
3. She acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and the right to cross examine witnesses against her;
4. She waives all such rights to a formal hearing;
5. She admits to the above Findings of Fact; and
6. She consents to the entry of the following Order affecting her license to practice professional nursing in the Commonwealth of Virginia.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Consent Order, hereby ORDERS that License No. 0001-110948, issued to Jennifer Daly, to practice professional nursing in the Commonwealth of Virginia, be placed on PROBATION subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Consent Order is entered and shall continue INDEFINITELY. Ms. Daly may request that the Board end her probation after not less than two (2) years of employment as a R.N.
2. All written reports required by this Consent Order shall be sent to the Board office with the first report being received no later than thirty (30)

days following the date that this Consent 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.

3. Ms. Daly shall inform her nursing employer and any future nursing employer that the Board has placed her license on probation and shall provide her employer with a copy of this Consent Order. If, at any time, Ms. Daly is employed through a staffing agency, she shall inform her supervisor in any facility where assigned that her license is on probation.

4. Ms. Daly shall inform the Board in writing within ten (10) days of any change of employment including the name and address of the new employer as well as the date she began employment. Ms. Daly shall inform the Board in writing within ten (10) days of any interruption in nursing practice.

5. Ms. Daly shall direct her nursing employer to provide a written nursing performance evaluation to the Board as stated in term number 2.

6. Ms. Daly shall be required to have supervised, unannounced drug screens to include testing for alcohol and have all results sent to the Board as stated in term number 2. The Board shall be notified immediately in writing of any positive results or if Ms. Daly refuses to give a specimen for analysis as required by this Consent Order.

7. Ms. Daly shall begin to be active in Alcoholics Anonymous and Caduceus with written reports of attendance by a sponsor or contact person sent to the Board as stated in term number 2.

8. Ms. Daly shall not use alcohol and other mood altering chemicals except as prescribed by a physician with whom she has established a genuine physician/patient relationship and for accepted medicinal or therapeutic purposes. Should she be prescribed any medications such as narcotics, depressants, tranquilizers, analgesics and stimulants, a written report from the prescribing

physician shall be provided to the Board within ten (10) days of the date of the prescription.

9. Written reports shall be provided by Ms. Daly which will include her current address and current employment, if any. These reports shall be sent to the Board office as stated in term number 2.

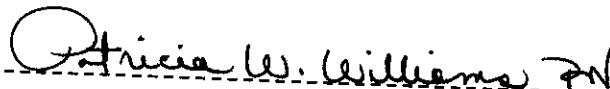
10. Ms. Daly shall return all copies of her current license to practice professional nursing to the Board office within ten (10) days of the date of entry of this Consent Order. Upon receipt of the old license and a \$10.00 fee, the Board shall issue a new license marked PROBATION WITH TERMS.

11. Ms. Daly, as a Registered Nurse shall conduct herself in compliance with the requirements of Title 54.1, Chapter 30 of the Code of Virginia (1950), as amended, and the Board of Nursing Regulations.

Any violations of the terms and conditions stated in this Consent Order shall be reason for revoking the license of Jennifer Daly, R.N., and a hearing shall be held to decide whether her license shall be revoked.

Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, the signed original of this Consent 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.

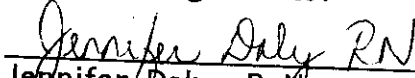
FOR THE BOARD



Patricia W. Williams, R.N.
President

Entered: January 29, 1992

Seen and Agreed to:


Jennifer Daly, R.N.

COMMONWEALTH OF VIRGINIA
County/City of Westfield, to wit:

Subscribed and sworn to before me, Marlene Kay Pascarella,
a Notary Public, by Jennifer Daly, this 9th day of January,
1992

My commission expires the 31st day of October, 1994
Marlene Kay Pascarella
Notary Public

Received: January 30, 1992

By: Bernard L. Henderson, Jr.
Bernard L. Henderson, Jr., Director
Department of Health Professions