

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DEBORAH M. JOYCE, R.N.

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 May 13, 2009 in Henrico County, Virginia. Deborah M. Joyce, R.N., was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 22, 2009, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Joyce 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. Deborah M. Joyce, R.N., was issued License No. 0001-202969 to practice professional nursing in Virginia on August 3, 2006. Said license is set to expire on September 30, 2010.
2. By letter dated April 21, 2009, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Joyce notifying her that an informal conference would be held on May 13, 2009. The Notice was sent by overnight and first class mail to 4504 Wrenn Forest Drive, Petersburg, Virginia 23803, the address of record on file with the Board of Nursing.
3. During the course of Ms. Joyce's employment with Southampton Memorial Hospital, Franklin, Virginia ("Southhampton"), by her own admission, on July 16, 2008, Ms. Joyce experienced a "nervous breakdown" for which she was later hospitalized. Ms. Joyce returned to work on July 25,

2008, but was again unable to work. There were no patient care issues involved.

4. At the informal conference Ms. Joyce discussed several stressors that were present at the time of her hospitalization. They included lack of sleep, a diagnosis of cervical cancer, harmful interpersonal relationships and financial problems. She stated that some of the stressors still existed, but she had learned to cope with them with an increased amount of sleep, refusing to drink alcohol, increased exercise and severing detrimental relationships.

5. Ms. Joyce also reported at the informal conference that she began seeing a psychiatrist in July 2008, and continues to see him. Her last appointment was on May 12, 2009. She stated that she has a diagnosis of bipolar disorder, with which she was comfortable, because she is taking her medication properly and believes she has returned to her baseline status. Ms. Joyce reported that she is prescribed Seroquel (quetiapine), Ambien (zolpidem tartrate, schedule IV), Midrin (isometheptene mucate/dichloralphenazone/acetaminophen, schedule IV) and Dilaudid (hydromorphone, schedule II). She stated that she has not had any incidents since the July, 2008, hospitalization.

6. At the informal conference, Ms. Joyce reported that her doctor released her to work without restrictions. Her employment with Southampton was terminated in January, 2009, after a drug screen was positive for butalbital, for which she did not have a valid prescription, which she denied ingesting, and for which she had no explanation.

7. Ms. Joyce stated that for over a year, she has worked 20 to 30 hours per week at Halifax Regional Medical Center, Roanoke Rapids, North Carolina, and that she continues to work part-time for Ace Hardware, a job she had before she received her nursing license.

8. Ms. Joyce expressed a willingness to enter the Health Practitioners' Monitoring Program (*formerly Health Practitioners' Intervention Program*) ("HPMP").

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of §54.1-3007(5) and (6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-202969 of Deborah M. Joyce, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Joyce 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. Joyce 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 Ms. Joyce's entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
  - a. Ms. Joyce shall comply with terms and conditions of the HPMP 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 Deborah M. Joyce, R.N., 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. Joyce is not in compliance with the terms and conditions specified

by the HPMP;

- ii. Ms. Joyce's participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms.

Joyce involving a violation of law, regulation, or any term or condition of this order.

6. This Order is applicable to Ms. Joyce's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Joyce 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.

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

This Order is subject to appeal to the Board. If Ms. Joyce desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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.

FOR THE BOARD

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

Entered: August 4<sup>th</sup>, 2009

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed this day to Deborah M. Joyce, R.N., at 4504 Wrenn Forest Drive, Petersburg, Virginia 23803.

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

August 4<sup>th</sup>, 2009  
DATE

**Certified True Copy**  
By deborah  
**Virginia Board of Nursing**