

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: VANESSA POWELL, L.P.N.
License No.: 0002-074374

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 October 21, 2014, in Henrico County, Virginia. Vanessa Powell, L.P.N., was not present nor was she represented by legal counsel. Vanessa Powell, L.P.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 28, 2015, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Powell 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. Vanessa Powell, L.P.N., was issued License No. 0002-074374 to practice practical nursing in Virginia on September 11, 2006. The license is scheduled to expire on August 31, 2015. Ms. Powell's primary state of residence is Virginia.
2. By letter dated October 7, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Powell notifying her that an informal conference would be held on October 21, 2014. The Notice was sent by certified and first class mail to 433 Dawnridge Lane, Troutville, Virginia, 24175, the address of record on file with the Board of Nursing. Neither the receipt for the Notice

sent via certified mail nor the Notice itself was returned to the Board office. The Notice sent via first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Powell and the informal conference proceeded in her absence.

3. During course of her employment with Virginia Veterans' Care Center, Roanoke, Virginia, on April 27, 2014, Ms. Powell diverted approximately two tablets of hydrocodone/acetaminophen (Schedule III) for her personal and unauthorized use. She accomplished this diversion by falsely documenting the administration of the medication to two alert and oriented residents and keeping the medication for herself. The residents denied receiving the medication.

4. During the course of her employment with Our Lady of the Valley, Roanoke, Virginia, in March 2014, Ms. Powell diverted hydrocodone/acetaminophen and oxycodone/acetaminophen (Schedule II) for her personal and unauthorized use. She accomplished by falsely documenting the administration of the medication to eight different patients and keeping the medication for herself. The patients denied requesting or receiving the medication.

5. On August 1, 2014, Board entered an Order ("Board's Order") taking no action against Ms. Powell based on findings that Ms. Powell was impaired on duty during the course of her employment with Richfield Recovery Center, Salem, Virginia, on November 6, 2013 and had taken Neurontin and hydrocodone before her shift. Term No. 1(a) of the Board's Order required Ms. Powell to enroll in the Health Practitioners' Monitoring Program within 60 days of entry of the Board's Order.

6. As of October 20, 2014, Ms. Powell had not enrolled in the Health Practitioners' Monitoring Program.

7. Ms. Powell did not respond to Department of Health Profession's investigator.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 4 constitute violations of § 54.1-3007(2), (5), (6), and (8) of

the Code and 18 VAC 90-20-300(A)(2)(c), (e), and (f) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact No. 6 constitutes a violation of Term No. 1(a) of the Board's Order.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Vanessa Powell, L.P.N., is hereby REPRIMANDED.
2. License No. 0002-077374 of Vanessa Powell, L.P.N., is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Powell 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 practical nursing. Ms. Powell 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 applies to any multistate privilege to practice practical nursing.

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.

Since Ms. Powell failed to appear at the informal conference, this Order shall be considered final. Ms. Powell has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Powell has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N.,

M.S.M., C.S.A.C., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD

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

Entered: February 20, 2015

Certified True Copy

By U. Robinson-Howes
Virginia Board of Nursing