

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 May 14, 2014 in Henrico County, Virginia. Vanessa Powell, L.P.N., was not present nor was she represented by legal counsel. Janet Younger, Ph.D., R.N., P.N.P., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2014, 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. Her primary state of residence is Virginia.

2. By letter dated April 11, 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 May 14, 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. The Notice was also sent to 376 Southside Drive, Rocky Mount, Virginia 24151, a secondary address. According to the United States Postal Service website, the Notice sent by certified mail to the address of record was unclaimed as of May 8, 2014, and

the Notice sent by certified mail to the secondary address was delivered on April 14, 2014. The Notices sent by first class mail to both addresses were 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 the course of her employment with Richfield Recovery Care Center, Salem, Virginia, on November 6, 2013, Ms. Powell was impaired on duty, as evidenced by the following: she was unable to focus on tasks, her speech was slurred, and she was unsteady on her feet.

4. Ms. Powell acknowledged to the clinical nurse manager that she had taken prescribed Neurontin and hydrocodone prior to her shift and that she was impaired. She refused to submit to a for-cause drug screen. Her employment was terminated on November 7, 2013.

5. At the request of an investigator for the Department of Health Professions, Ms. Powell submitted to a urine drug screen on December 30, 2013. The screen was negative for all substances, including opiates.

6. During an interview with the investigator on December 13, 2013, Ms. Powell indicated that she was not working as a nurse.

CONCLUSIONS OF LAW

1. Finding of Fact #3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Ms. Powell is a candidate for the Health Practitioners' Monitoring Program ("HPMP").

ORDER

1. The Board shall TAKE NO ACTION contingent on the following conditions:
 - a. Vanessa Powell, L.P.N., shall enter into a contract with the HPMP within 60 days of the entry of this Order.
 - b. Thereafter, Ms. Powell shall comply with all terms and conditions of the HPMP for

the period specified by the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Powell, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Ms. Powell shall be noticed to appear before the Board at such time as the Board is notified that:

- a. She has failed to make application to the HPMP;
- b. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- c. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or
- d. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Powell's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Powell's multistate licensure privileges, if any, to practice practical nursing. For the duration of this Order, Ms. Powell 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.


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

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

FOR THE BOARD


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

Entered: August 1, 2014

Certified True Copy

By 
Virginia Board of Nursing